LAWS

OF THE

STATE OF DELAWARE

ONE HUNDRED AND THIRTY-SIXTH

GENERAL ASSEMBLY

FIRST SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 8, A.D. 1991

SECOND SESSION COMMENCED AND HELD AT DOVER

On Tuesday, January 14, A.D. 1992

VOLUME LXVIII
Part I

AR9313

CHAPTER 1

FORMERLY

SENATE BILL NO. 14

AN ACT AWARDING SPECIAL PENSION BENEFITS TO JAMES H. HARBISON, TRANSFERRING MONIES INTO THE SPECIAL PENSION FUND CREATED BY VOLUME 61, CHAPTER 455, LAWS OF DELAWARE, AND DIRECTING THE BOARD OF PENSION TRUSTEES TO ADMINISTER PAYMENT OF THE PENSION PROVIDED BY THIS ACT AS IF THE AWARD WERE PURSUANT TO CHAPTER 55, TITLE 29, DELAWARE CODE.

WHEREAS, James H. Harbison is currently employed as Executive Secretary by the Commission of Veterans Affairs, Department of State, State of Delaware; and

WHEREAS, James H. Harbison, prior to becoming a state employee, served over six years as a member of the Governor's Veterans Affairs Committee established by Executive Order No. 67, dated December 15, 1978; and

WHEREAS, James H. Harbison has distinguished himself as a respected, tenacious and exceptionally competent spokesman for Delaware's military veterans with members of both the Executive and Legislative Branches of Delaware government; and

WHEREAS, James H. Harbison has, for the past year, been engaged in an unrelenting battle against the ravages of cancer; and

WHEREAS, James H. Harbison has only accrued four and one-half years of creditable serve in the Delaware State Employees' Pension Plan; and

WHEREAS, James H. Harbison should be rewarded for his dedicated and devoted service to the State of Delaware and her approximately 79,000 veterans.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The Board of Pension Trustees is hereby authorized and directed to grant James H. Harbison, a disability pension, effective the month after his termination from State service or after his death as if such pension were awarded pursuant to Chapter 55, Title 29 of the Delaware Code.

Section 2. The Budget Director and the Controller General are authorized to transfer the sum of $21,620.22 from the Budget Office Contingency Appropriation in Senate Bill No. 500 of the 135th General Assembly for Budget Office Contingency (10-02-04), to the Special Pension Fund authorized by Volume 61, Chapter 455, Laws of Delaware, for the purpose of implementing the provisions of Section 1 of this Act.

Approved January 18, 1991.

CHAPTER 2

FORMERLY

HOUSE BILL NO. 25
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 21, TITLE 21, OF THE DELAWARE CODE TO ALLOW SPECIAL PLATES FOR MEMBERS OF THE DELAWARE NATIONAL GUARD AND RESERVES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereto concurring therein):

Section 1. Amend Chapter 21, Title 21, Delaware Code by adding the following new section:

"§2139A. Special license plates for members of the Delaware National Guard and Reserves.

(a) The owner of any vehicle described in paragraph (b) of this section may apply to the Department for the assignment to that vehicle of a special Delaware National Guard or Reserve number; provided, however, the owner of the vehicle must possess official documentation which indicates he or she is a bona fide member of the Delaware National Guard or Reserves.

(b) This section shall apply only to:

1. A private passenger vehicle; or

2. A truck with no more than a three-fourth ton manufacturer's rated capacity.

(c) Other than the annual registration fee required by this title, no fee shall be required for registration under this section; however, the original application shall be subject to a $10 administrative fee.

(d) Only 1 special license plate shall be issued to an applicant.

(e) The Department shall reserve sufficient special license plates, including appropriate letters and numbered consecutively, beginning with the numeral 1, as are required under this section.

(f) Upon receipt of any official correspondence from the Delaware National Guard or Reserve advising that the individual to whom a special plate has been issued is no longer affiliated with the National Guard or Reserve such special plate shall be forfeited and/or revoked immediately.

(g) This bill shall become effective 60 days after its enactment into law.

Approved January 28, 1991.

CHAPTER 3

FORMERLY

SENATE BILL NO. 22
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO REINCORPORATE THE TOWN OF ELSMERE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend the provisions of 48 Laws of Delaware, Chapter 43, entitled "An Act to Re-Incorporate the Town of Elsmere, New Castle County" by substituting therefor the following:

"ARTICLE I: INCORPORATION

Section 101. Incorporation

The municipal corporation of the State of Delaware now known as the 'The Town of Elsmere' and the inhabitants thereof within the corporate limits as defined in Article I, Section 102 of this Charter or subsequently altered by annexation procedures shall, under the name of 'The Town of Elsmere', continue to be a municipal body politic in perpetuity.

Section 102. Boundaries

The boundaries of the Town of Elsmere shall continue as heretofore existing under the Charter of 'The Town of Elsmere' immediately prior to the enactment of this Charter.

The Council of the Town of Elsmere may at any time hereafter cause a survey and plot to be made of said Town and said plot, when made and approved by the Council, shall be recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware, and the same or the record thereof, or a duly certified copy of the said record shall be in evidence in all courts of law and equity in this State.

Section 103. Annexation

If and when a majority of the property owners in territory contiguous to the Town of Elsmere shall sign a petition seeking to have the areas in which said property owners reside annexed to the Town of Elsmere and submit the petition together with a survey of the areas proposed for annexation to the Council of the Town of Elsmere, said Council shall submit the question of annexation to the voters of the Town of Elsmere. If a majority of said voters, at a special election held for that purpose, shall vote in favor of the proposed annexation, then said area as shown on said survey, shall become and be a part of the Town of Elsmere. The annexed area shall become and be a part of the district to which said area is contiguous. If the annexed area is contiguous to more than one district, the annexed area shall become part of the district with which it has the longest common boundary.

Section 104. Districts

The Town of Elsmere shall be divided into six districts as follows:

(1) BEGINNING at a point of intersection of the center line of New Road with the center line of Dupont Road; thence easterly along the center line of DuPont Road to its intersection with Little Mill Creek and the southerly boundary line of the Town of Elsmere; thence along the southerly, easterly and northerly boundary lines of the Town of Elsmere to its intersection with the center line of gray Avenue to its intersection with the center line of Pardee Avenue; thence northwesterly along the center line of Pardee Avenue to its intersection with the center line of Cleveland Avenue; thence southwesterly along the center line of Cleveland Avenue to its intersection with the center line of DuPont Road; thence southwesterly along the center line of DuPont Road to its intersection with New Road and the point and place of BEGINNING.

(2) BEGINNING at the point of intersection of the center line of New Road with the center line of DuPont Road; thence southeasterly along the center line of DuPont Road to its intersection with Little Mill Creek; thence southwesterly along Little Mill Creek and the southerly boundary line of the Town of Elsmere to its intersection with the extension of the center line of Belmont Avenue; thence northerly along the center line of belmont Avenue to its intersection with the center line of Maple Avenue West; thence northeasterly along the center line of Maple Avenue West to its intersection with the extension of Birch Avenue; thence northwesterly along the center line of Birch Avenue and its extensions to its intersection with the center of New Road; thence northeasterly along the center line of New Road to its intersection with the center line of DuPont Road and the point and place of BEGINNING.

(3) BEGINNING at the point of intersection of the center line of New Road with the extension of the center line of Birch Avenue; thence southeasterly along the center line of Birch Avenue; thence southeasterly along the center line of Birch Avenue and its extensions to its intersection with the center line of Maple Avenue West; thence southwesterly along the center line of Maple Avenue West to its intersection with the center line of Belmont Avenue; thence southerly along the center line of Belmont and its extension to its intersection with Little Mill Creek; thence northwesterly along Little Mill Creek; thence southwesterly and northwesterly along Little Mill Creek; thence southwesterly and northwesterly along Little Mill Creek and the southwesterly boundary line of the Town of Elsmere to its intersection with the center line of Chestnut Run (West Branch) to its intersection with the center line of Maple Avenue to its intersection with the center line of Maple Avenue to its intersection with the center line of Maple Avenue to its interesection with the center line of Sycamore Avenue, approximately 320 feet to its intersection with the center feet the Right of Way of the Baltimore and Ohio Railroad; thence northeasterly along the center line of the Right of Way of the Baltimore and Ohio Railroad to its intersection with the extension of the center line of Bungalow Avenue; thence northeasterly along the center line of Bungalow Avenue and extension to the intersection with the center line of Sycamore Avenue; thence northeasterly along the center line of Sycamore Avenue to its intersection with Tamarack Avenue thence northwesterly along the center line of Robert Kirkwood Highway; thence northeasterly along the center line of Robert Kirkwood Highway and the center line of New Road to its intersection with the extension of the center line of Birch Avenue and the point and place of BEGINNING.

(4) BEGINNING at the point of intersection of the center line of Robert Kirkwood Highway and the center line of Tamarack Avenue extended; thence southeasterly along the center line of Tamarack Avenue to its intersection with the center line of Sycamore Avenue; thence southwesterly along the center line of Sycamore Avenue to its intersection with the center line of Bungalow Avenue; thence southeasterly along the center line of Bungalow Avenue and its extension to its intersection with the center line of the Right of Way of the Baltimore and Ohio Railroad; thence southwesterly along the center line of the Right of Way of the Baltimore and Ohio Railroad to its intersection with Little Mill Creek; thence northwesterly along Little Mill Creek and the southwesterly boundary line of the Town of Elsmere to its intersection with the center line of Chestnut Run (West Branch); thence northeasterly along the center line of Chestnut Run (West Branch) to its intersection with the center line of Maple Avenue to its intersection with the center line of Maple Avenue to its intersection with the center line of Sycamore Avenue, approximately 320 feet to its intersection with the center line of an alley; thence northeasterly along the said alley to its intersection with the center line of Cypress Avenue; thence northeasterly along the center line of Cypress Avenue; thence northeasterly along the center line of Cypress Avenue approximately 40 feet to its intersection with the extension of the center line of Beech Avenue and its extension to its intersection with the center line of Robert Kirkwood Highway to its intersection with the extension of the extension of the center line of Tamarack Avenue and the point and place of BEGINNING.

(5) BEGINNING at the point of intersection of the center line of Robert Kirkwood Highway with the center line of Beech Avenue Extended;

thence southwesterly along the center line of Beech Avenue and its extension to its intersection with the center line of Cypress Avenue; thence southwesterly along the center line of Cypress Avenue approximately 40 feet to its intersection with the center line of an alley; thence southwesterly along the center line of the alley to its intersection with the center line of Sycamore Avenue; thence southwesterly along the center line of Sycamore Avenue to its intersection with Maple Avenue; thence northwesterly along the center line of Chestnut Run (West Branch) and the northwesterly boundary line of the Town of Elsmere; thence northeasterly along the northerly to boundary line of the Town of Elsmere by its various courses to a point opposite the point of intersection of Olga Road and Sanders Road; thence leaving said boundary line southeasterly to the point of intersection of Olga Road and Sanders Road; thence southerly along the center line of Sanders Road to its intersection with the center line of Robert Kirkwood Highway; thence southwesterly along the center line of Kirkwood Highway; to a point of intersection with the center line of Beech Avenue Extended and the point and place of BEGINNING.

(6) BEGINNING at the point of intersection of the center line of New Road and the center line of DuPont Road; thence southwesterly along the center line of New Road to its intersection with the center line of Sanders Road; thence northerly along the center line of Sanders Road to its intersection with Olga Road; thence northwesterly to a corner in the northerly boundary line of the Town of Elsmere; thence northeasterly along the northerly boundary line of the Town of Elsmere by its various courses and crossing the Philadelphia and Reading Railroad and DuPont Road to its intersection with the center line of Gray Avenue; thence southwesterly along the center line of Gray Avenue to its intersection with the center line of Pardee Avenue; thence northwesterly along the center line of Pardee Avenue to its intersection with the center line of Cleveland Avenue; thence southwesterly along the center line of Cleveland Avenue to its intersection with the center line of DuPont Road; thence southerly along the center line of DuPont Road to its intersection with the center of New Road and the point and place of BEGINNING.

ARTICLE II. POWERS OF THE TOWN

Section 201. Powers of the Town

The Town of Elsmere shall have all the powers granted to municipal corporations by the Constitution and general laws of the State of Delaware, together with all the implied powers expressly granted. The Town of Elsmere shall continue to enjoy all powers which have been granted to it by special Acts of the General Assembly of the State of Delaware, except insofar as they may be repealed by the enactment of this Charter. The Town of Elsmere as a body politic and corporate shall succeed to, own or possess all property, whether real, personal or mixed, and all rights, privileges, franchises, powers and immunities now belonging to, possessed by or enjoyed by the former corporation, known as 'The Commissioners of Elsmere', without the necessity of any deeds or instruments of conveyance or transfer.

The Town of Elsmere may have and use a corporate seal, may sue and be sued, may acquire property within or without its corporate limits by purchase, gift, devise or lease for the purpose of providing sites for public buildings, parks, sewer systems, sewage treatment plants, gas, telephone or electric systems, water systems, water plants or other municipal purposes; and may sell, lease, mortgage, hold, manage and control such property or utility as its interests may require; and, except as prohibited by the Constitution or laws of the State of Delaware or restricted by this Charter, the Town of Elsmere shall and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever.

In the event it is necessary to mortgage any property now acquired or hereinafter acquired by the Town of Elsmere, the Town is given the power to give a bond and warrant secured by a mortgage to any proposed mortgagee in an amount not exceeding One Million Dollars ($1,000,000) and for a term not exceeding twenty (20) years, without regard to the provisions of Article IV, Section 406 of this Charter.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive; rather, in addition to the powers enumerated

herein, implied thereby, or appropriate to the exercise thereof, it is intended that the Town of Elsmere shall have and may exercise all powers which, under the Constitution of the State of Delaware, it would be competent for this Charter to specifically enumerate. All the powers of the Town, whether express or implied, shall be exercised in the manner prescribed by this Charter, or, if not prescribed herein, then in a manner provided by ordinance or resolution of the Council.

ARTICLE III. STRUCTURE OF GOVERNMENT

Section 301. Composition of Government

The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in a Mayor and a Town Council. The Mayor shall be elected at large by the qualified voters of the Town. One member of the Town Council shall be elected by the qualified voters of each district.

The Mayor and Council under this Charter shall be first elected on the last Saturday in June, 1955, to serve until their respective successors have been elected and qualified. The next regular municipal election of the Mayor and Council after June of 1955 shall be held on the last Saturday in April of 1957, and regular municipal elections of the Mayor and Council shall be held on the last Saturday in April of odd-numbered years thereafter.

Section 301.1 The Mayor

The Mayor shall have been a resident of the Town for three years, and not less than 30 years of age at the time of his election. He shall be elected at large at the biennial Town election and shall serve for a term of two years or until his successor shall be duly elected and qualified, but the first Mayor elected under this Charter shall serve from the date of his qualification until the qualification of his successor after the election of April 1957. Before entering upon the duties of his office, he shall be sworn or affirmed by a Justice of the Peace, or by a notary public, to perform the duties thereof honestly, faithfully and diligently.

The conviction of the Mayor of any felony or of any misdemeanor relating to the conduct of his office shall result in an automatic forfeiture of his office, which shall thereupon be vacant.

Section 301.2 The Treasurer

The Treasurer shall be elected at large for the same term as the Mayor, as provided in Sections 301 and 301.1. The Treasurer shall have been a resident of the Town for at least one year prior to his election.

The Treasurer shall not pay out any money except upon check or warrant countersigned by the Mayor and authorized by the Council. In case of the temporary absence or inability to act of the Treasurer, the President Pro Tempore shall be empowered to countersign checks. The Treasurer shall attend all meetings of the Council.

In the event that the office of Treasurer becomes vacant for any cause, the vacancy shall be filled for the unexpired term by appointment by the Mayor subject to confirmation by a majority of Council.

Section 302. Qualifications of Mayor and Council

Any qualified voter of the Town of Elsmere who has attained the age of twenty-one years, in the case of councilman, and thirty years, in the case of Mayor, and who has not been convicted of a felony shall be eligible for the office of Mayor or Councilman; provided that any person elected to Council must at the time of his election reside in the district from which elected.

Loss of residence in the Town or in the district from which elected, or a conviction of a felony, or failure to attend three consecutive regular meetings of Council without being excused by the Council, during the tenure of office shall create a vacancy. In case of a vacancy for any cause, a special election, conducted in the same manner as a regular election,

except that the nominating petitions shall not be filed later than 20 days before the date of the special election, shall be held within 60 days after the occurrence of the vacancy, as may be proclaimed by the Council; provided, however, that if the vacancy occurs within 365 days of a regular election, the vacancy shall be filled by appointment by the Mayor subject to confirmation by a majority of the Council.

Section 303. Compensation

The Council shall determine the annual salary of the Mayor, Councilman and Treasurer by ordinance, but no ordinance increasing such salary shall become effective until the date of commencement of the terms of members of the Council elected at the next regular election, provided that such election follows the adoption of such ordinance by at least six (6) months. Members of the Council shall receive reimbursement for actual and necessary expenses incurred in traveling when on official business. The salary of the Mayor may exceed that of Councilmen.

Section 304. Meetings of Council

The Council of the Town of Elsmere shall take office on the Monday following the regular municipal election, shall hold an organizational meeting in the evening of the next Thursday at which the President Pro Tempore shall be elected by the Council from among the members of the Council, and shall meet regularly at least once a month thereafter. Special meetings may be called by the Mayor and shall be called upon the written request of any three members of the Council. At least two days' written notice of special meetings shall be given to each Councilman, provided that if all the Councilmen shall sign a waiver of notice of a particular special meeting, then the notice aforesaid shall not be a prerequisite to the validity of such special meeting. All meetings of the Council shall be open to the public.

Section 305. Mayor's Relationship to Council

The Mayor shall be the executive of the Town. He shall preside at meetings of the Council, but shall have no vote therein, except in case of ties. He shall execute on behalf of the Town, when authorized by Council, all agreements, contracts, bonds, deeds, leases, and other documents necessary to be executed. Unless otherwise provided by ordinance or resolution, the Mayor shall appoint all committees. He shall countersign all orders, checks or warrants authorized by Council and drawn on the Treasurer for payment of money, and shall have all and every power conferred and perform all duties imposed upon him by this Charter and the ordinances of the Town.

In case of the temporary absence or inability to act of the Mayor, the President Pro Tempore, when lawfully acting as Mayor shall have all the powers conferred upon the Mayor by this Charter.

In the event that the Mayor becomes disqualified from holding office by reason of resignation, death, removal from the Town, conviction of a felony, or malfeasance in office, the President Pro Tempore shall succeed to the office of the Mayor for the balance of the unexpired term. The succession of the President Pro Tempore to the office of Mayor shall create a vacancy in the Council.

Section 306. Judge of the Qualifications of Members

The Council shall be the judge of the election and qualification of its members and for such purpose shall have power to subpoena witnesses and require the production of records, and, in the event that special proceedings may be necessary to determine or establish such qualifications, shall keep a record of such proceedings, which record shall be subject to review by the Superior Court of the State of Delaware in and for New Castle County.

Section 307. Rules of the Procedure: Record

The Council shall determine its own rules of procedure and order of business. It shall keep a record of its proceedings and the record shall be open to public inspection. Elections for officers shall be by a

majority vote of the members elected to the Council and the results shall be entered on the record of Council.

Section 308. Quorum and Majority Requirement

A majority of the members elected to the Council shall constitute a quorum to do business but a smaller number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. No ordinance shall be valid unless it shall have the affirmative vote of the majority of the members elected to the Council. Resolutions, orders and motions shall be valid upon the affirmative vote of a majority of members of the Council present. No member shall be excused from voting on ordinances, resolutions, orders or motions, except when such a vote will constitute a conflict of interest.

Section 309. Organization Changes by Council; Vacancies

The enumeration of certain officials in the Charter to be appointed by the Council is not to be construed as a limitation on the power of the Council to create such new positions or offices as may be deemed essential to accomplish the objectives of the Town's government or to provide for the selection of suitable persons to fill any positions or offices.

All vacancies in appointive offices shall be filled by the Mayor, with confirmation by the consent of the majority of the whole Council, for the unexpired term.

ARTICLE IV. POWERS OF THE COUNCIL

Section 401. General Powers

The Council shall constitute the legislative body of the Town of Elsmere. It shall have power to adopt ordinances relating to the health of the population of the Town, or to prevent the introduction or spread of communicable diseases or nuisances affecting the Town. The Council may also pass ordinances, to ascertain and fix boundaries of streets, squares, lanes and alleys, or repair and amend the same and provide for the paving thereof, to alter, extend or widen any street, square, lane or alley, and to open and lay out new ones subject to provisions in that behalf hereinafter contained; to regulate the ascent and descent of all streets, lanes and alleys, and to fix the building lines on the same; to direct the paving of footways and to prescribe the width thereof; to direct the laying out of gutters and prescribe the depth thereof; to prescribe the extent of porches, cellar doors and other inlets to yards and buildings; to provide police and lighting of streets at the expense of the Town, and generally to prescribe and regulate the streets, lanes and alleys of the Town and to have and exercise control of the same, subject to the provisions in that behalf hereinafter contained; to provide for the regulation of auctions and auctioneers and public amusements; to provide for the safety of the citizens and for that purpose to prescribe the heights and thickness of walls of buildings and the mode of erecting same in said Town, and to prescribe rules and regulations directed toward the prevention of fires and explosions, and make provisions for the enforcement of said regulations; to adopt municipal zoning regulations; to adopt traffic regulations, to regulate itinerant peddlers and canvassers within the Town; to regulate the sale of goods, wares and merchandise on the streets and sidewalks within the Town and fix the license fee thereof and to license the conduct license fee which shall be reasonable in amount; to regulate signs and bill boards and to provide for permits for the erection and maintenance thereof; and to provide for the measuring or weighing of coal, lime, grain or other matter sold in said Town. They shall have the power to lay and collect fines on the owners of any horse, cow, dog or animal which may be found at large in any of the streets, squares, lanes, alleys, aforesaid, and in general to have power to do all those matters and things for the well-being of the Town and the inhabitants thereof, which shall not be in the contravention of any existing laws of this State or the Constitution thereof. Except as hereinafter provided, the Council shall not have the power to exempt any individual from the operation of any general ordinance or municipal regulation.

The Council shall have all other powers requisite to and appropriate for the government of the Town of Elsmere, its peace and order, its sanitation and beauty, and for the health, safety, convenience, comfort and well-being of its population, and for the protection and preservation of public and private property.

Section 402. Ordinance Procedure

402.1 When Required. In addition to such acts of the Council as are required by this Charter or by other State Law to be by ordinance, every act of the Council establishing a fine or other penalty shall be by ordinance. The enacting clause shall be "BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS":

402.2 Enacting Procedures. Every ordinance shall be introduced in writing. No ordinance shall be passed unless it shall have the affirmative vote of a majority of the members elected to the Council and shall have been considered at two regular stated meetings. Vote on any ordinance shall be by voice vote and shall be entered on the record of the Council.

Section 403. Power to Raise Revenue

The Council shall have the power to levy and collect taxes on real property within the limits of the Town, except that which is not assessable and taxable by virtue of any law of the State of Delaware; provided that the amount so collected shall not exceed one and one-half percent (1 1/2%) of the assessed value of real estate within the Town in any one fiscal year clear of all delinquencies and expenses of collection. The Council shall have the right to grant and refuse, and to charge fees for, licenses or permits for traveling shows and other businesses of any description within the limits of the Town. The Council shall also have the power to collect franchise fees and to impose sewer rental on sanitary sewers. (The Council must have at least five or six votes to increase existing taxes, or to impose new taxes).

The Council may, in its discretion, exempt from Town taxation any manufacturing plant employing fifty or more employees hereafter established within the Town of Elsmere or brought within the boundaries of the Town by virtue of any annexation for a period of ten years from the time said plant is established or brought within the boundaries of the Town of Elsmere.

The Council may, by ordinance, exempt from Town taxation any and all persons over the age of sixty-five (65) years subject to limitations on income as by such ordinance will be provided.

The Council shall have the power by ordinance to allow for discounts for early payment of taxes, to impose reasonable penalties, interest and forfeitures for tax delinquencies, and to review and determine proper and appropriate properties to be exempt from taxation.

The Council shall have the power to fix the rates for general utility services operated by the Town and to collect and utilize revenues from such utility services for the benefit of the Town.

Section 404. The Town May Engage in Business

Except as prohibited by the Constitution of the State of Delaware or by this Charter, the Town of Elsmere shall have the right to engage in any business or enterprise in which a person, firm or corporation may engage, and shall have the right to purchase, own and maintain, within or without the corporate limits of such Town, all real estate for municipal purposes for sites and rights-of-way for public buildings, parks, sewer systems, sewerage treatment plants, water systems, water plants, gas, electric or telephone systems, or other municipal purposes, for the location, erection and maintenance thereon of public facilities for the uses aforesaid.

In any case where the Council may deem it to be in the best interests of the people of the Town of Elsmere to acquire properties of any privately owned sewer system, sewerage treatment plant, water system, water plants, gas, electric or telephone systems used for municipal purposes within the present or future boundaries of the Town, the question shall be submitted to a vote of the residents of the Town of Elsmere. Council may at that

time, call a special election for such purposes upon thirty (30) days notice. In acquiring said utility property, the Town of Elsmere shall in all respects adhere to the general laws of the State of Delaware insofar as they relate to the purchase of utility properties heretofore described by municipalities. The Town Council shall be authorized to negotiate the aforementioned purchase only upon the approval of a two-thirds majority of the voters of the Town of Elsmere.

Section 405. Borrowing For Current Expenses

Whenever the needs of the Town shall require more money than is, at the time, in the Town Treasury from current receipts, the Council shall be authorized and empowered to anticipate current revenue by borrowing such amounts as are needed; provided, however, that the amount of such indebtedness shall not at any time exceed one percent of the assessed valuation of the assessable and taxable real property within the limits of the Town.

To exercise the power aforesaid, the Council shall adopt a resolution to that effect. The indebtedness created under this provision shall be evidenced by notes of the Town, and the faith and credit of the Town shall be deemed to be pledged thereof. Such short term debt shall have a maturity of nine months or less, and shall not be considered as part of the bonded debt of the Town when limitations under the indebtedness, as set forth elsewhere in this Charter, are computed.

Section 406. Power to Incur Bonded Indebtedness

406.1 Power to Borrow Money. The Town of Elsmere may incur indebtedness by issuing either general obligation bonds or certificates of indebtedness secured by the full faith and credit of the Town of Elsmere, or revenue bonds, either in whole or in part of the total amount necessary to provide funds for the erection, extension, enlargement or repair of any plant, machinery, appliances or equipment: for the furnishing of water to the public, for the construction, repair, or improvement of highways, streets or lanes, or the paving, curbing or erection of gutters along the same; for the construction or repair of sewers or sewage disposal equipment; or to defray the cost of the share of the Town of Elsmere in the cost of any permanent municipal improvement. If general obligation bonds are issued, the total outstanding debt secured by such bonds shall not exceed 3% of the aggregate assessed value of real property in the Town.

If revenue bonds are issued, each such bond shall recite in substance that said bond, including interest thereon, is payable from the revenue pledged to the payment thereof, and that said bond does not constitute a debt of the Town of Elsmere within the meaning of the Bonded Indebtedness limitation. If revenue bonds are issued, the Council shall prescribe and collect reasonable rates, fees or charges for the service, facilities and accommodations of said undertaking and shall revise such rates, fees or charges from time to time whenever necessary so that such undertaking shall be and always remain self-supporting. The rates, fees or charges prescribed shall be such as will procure revenue at least sufficient (a) to pay when due all bonds and interest thereon, for the payment of which such revenue is or shall have been pledged, charged or otherwise encumbered, including reserves therefor, and (b) to provide for all expenses of operation and maintenance of such undertaking, including reserves therefor.

Section 406.2 Method of Borrowing Money. Before the Town of Elsmere may incur indebtedness by the issuance of bonds as aforesaid, the borrowing of money shall have been authorized by Council and shall have been approved in the following manner:

(1) The Council shall by resolution propose to the residents of the Town of Elsmere the purpose or purposes for which the stated amount of money shall be borrowed. The resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan, including data on total related debt and the debt limitations established by this Charter; shall fix a time and place for hearing on the resolution; and shall provide for publication of an announcement of the hearing in a newspaper of general circulation in New Castle County at least one week prior to the hearing date.

(2) A public hearing shall be held at which time all interested persons wishing to be heard shall be given an opportunity to express their views. Their testimony shall be considered in evidence by the Council.

(3) If Council desires to continue with the bond proceedings, it shall then, by resolution, direct that the question be submitted to a referendum. An election shall be held not less than 30 days nor more than 60 days after the date of such resolution.

(4) The Council shall cause notice of the time and place for holding the said referendum to be printed in a newspaper of general circulation in New Castle County once each week for three consecutive weeks prior to the referendum.

(5) The Council shall cause to be prepared, printed and made available for distribution a sufficient number of ballots not less than five days prior to the day of the referendum. At said referendum only qualified voters of the Town of Elsmere shall be entitled to vote. The Council shall, by resolution, make such further regulations for the conduct of the referendum as it deems appropriate.

(6) The officers of election shall count the vote for and against the proposed loan and shall announce the result thereof; shall make a certificate under their hands of the number of votes cast for and against the proposed loan; and shall deliver the same to the Council, which certificates shall be entered on the minutes of the Council; provided, however, that no bond issue shall be deemed approved unless two-thirds of those voting at such referendum shall vote for such bond issue.

(7) The form of the bonds and certificates of indebtedness, the date of payment of interest, the classes, the dates of maturity, and the provisions pertaining to the registration shall be determined by the Council. The bonds shall be sold to the highest bidder after at least one month's notice published at least twice in a newspaper of general circulation in New Castle County and at least once in a publication carrying municipal bond notices and devoted primarily to financial news. The Council shall provide in its budget for revenues sufficient to pay the interest and principal on said bonds or certificates of indebtedness at the maturity or maturities therefor. The faith and credit of the Town of Elsmere shall be deemed pledged for the due payment of the principal and interest of general obligation bonds issued within the prescribed debt limitation when the same have been properly executed and delivered for value.

Section 407. Acquisition of Property

The Town of Elsmere is hereby authorized and empowered whenever it shall deem necessary and expedient for any municipal purpose to obtain and acquire property either within the boundaries of said Town or outside said boundaries and to obtain legal title to said property by appropriate conveyances.

Section 408. Power of the Town of Elsmere over Streets

The Council shall have the power and authority to lay out, locate and open new streets, to widen or to alter existing streets or parts thereof, and to vacate and abandon streets or parts thereof whenever they shall deem it for the best interests of the Town; provided, however, that this power shall not be exercised with respect to property owned by the State of Delaware or any agency thereof without the approval of the State or State agency. In the event that condemnation of private property may be necessary in connection with the aforementioned powers of the Town with respect to streets, the manner and procedure thereof shall be as set forth in Title 10, Chapter 61, of the Delaware Code of 1953, as amended.

Section 409. Sewer and Water Main Improvements

The Council shall have the entire jurisdiction and control within the limits of said Town of the drainage thereof, and the right to alter and change the course and direction of any of the natural water courses, runs or rivulets within the limits of said Town, and may pass ordinances for the

construction of water mains and the opening of gutters, drains and sewers within the limits of said Town, and may pass ordinances for the construction of water mains and the opening of gutters, drains and sewers within the limits thereof, and the regulating and maintaining, cleansing, and keeping the same, and the natural water courses, runs and rivulets within said limits of open, clean and unobstructed, and for that purpose may authorize the entry upon private lands and take, condemn and occupy the same in the same way and under the same rules and procedure as hereinbefore provided in the cast of treets, etc., and by general regulations prescribe the mode in which they shall be altered, changed, opened, maintained, cleansed, and keep open and unobstructed, and shall bear the expenses thereof, and may in its discretion assess the costs of sanitary sewers upon the property particularly benefited thereby, including such real estate as would be otherwise exempt from municipal assessment and taxation by virtue of any law of the State of Delaware, anything to the contrary herein notwithstanding, and prescribe the mode of collection thereof; provided, however, that nothing herein contained shall be construed to authorize the taking of private property for public use without just compensation.

Whenever the Council of the Town of Elsmere shall determine, either on petition by a majority in numbers or in interest of the property holders abutting a proposed sanitary sewer construction, improvement, alteration, or repair, or on its on initiative, that such construction, improvement, alteration, or repair of sanitary sewers is required, it shall order the Town Engineer to proceed in accordance with law to undertake work and surveys necessary to make a report estimating the cost thereof and apportioning assessments therefor. The Council shall then proceed as hereinbefore described for street improvements. The Council may perform such construction, improvement, alteration or repair by contract or municipal agency, provided that assessment for the construction, improvement, alteration, repair and operation of sanitary sewers shall be upon the property abutting upon that portion of the street in which any sanitary sewer may be constructed under the provisions of this Charter, including such real estate as would be otherwise exempt from county and municipal assessment and taxation by virtue of any law of the State of Delaware, anything to the contrary herein notwithstanding, and shall be based upon the lineal foot of such property abutting on such street, each such lineal foot or such assessed alike. In the case of property situated at the corner of two such streets or otherwise so situated as to be assessed for the cost of building a sanitary sewer in one of such streets, only the front of such property shall be liable for such assessments. The Council on individual appeals, according to rules established by them, shall in all cases decide what portion of the corner property shall be considered frontage and what portion side frontage. Provided that in all corner properties the side frontage, shall not exceed one hundred and twenty-five (125) feet, and the side frontage thus determined shall be exempt from payment of any sanitary sewer assessment unless the owner thereof should, after the side frontage is fixed as aforesaid, decide to make such side frontage the front of said property, in which case the owner shall pay such additional assessment as the Council may determine. No property shall be assessed for the cost of constructing the sanitary sewer and connecting the same with the disposal plant, unless such property shall abut and be bounded by that portion of the street in which a sanitary sewer has been built, or unless such property has the right of access to such street, or desires to use such sanitary sewer, and the sanitary sewer is constructed upon the street upon which the property abuts, in either of which cases such property shall be liable for the same assessment as though a sanitary sewer was constructed in the portion of the street on which such property abuts and the property shall not be liable for any further assessment for sanitary sewer purposes. Where any such assessments shall be made upon any land for the cost of constructing a sanitary sewer and connecting it with a disposal plant, the Council shall have the right to compel the owner to connect any building or structure erected as may be prescribed by the Council from time to time. The word streets shall be deemed and held to comprehend and include highways, lanes and alleys.

Section 410. Sidewalks

Whenever the Town of Elsmere shall have determined that any paving of the sidewalks, or any or either or all of them shall be done, it shall notify the owner or owners of land in front of whose premises that the same is to be done, particularly designating the nature and character thereof,

and thereupon it shall be the duty of said owner or owners to cause such paving to be done in conformity with said notice. In the event of any owner neglecting to comply with said notice for the space of thirty days, the Council may proceed to have the same done, and when done, the Treasurer of the Town of Elsmere shall, as soon as convenient thereafter, present to the said owner or owners of such lands a bill showing the expense of paving. If such owner or owners be not a resident in the Town of Elsmere, such bill may be presented to the occupier or tenant of said land, or if there be no occupier or tenant resident in the Town of Elsmere, such bill may be sent by mail to such owner or owners directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of the Council to issue an order in the name of 'Town of Elsmere' under the hand of the Mayor and the seal of said corporation directed to the Treasurer of the Town of Elsmere commanding him to proceed to collect said delinquent assessment as levied in accordance with the authority granted under Article V. Section 501.2, 'Collection of Taxes' of this Act. The claim for paving shall be a lien on the premises in front of which said work was done except such real estate as is exempt from county and municipal assessment and taxation by virtue of any law of the State of Delaware, and shall have the same priority and be collectable in the same manner as municipal property taxes. If any new paving is ordered by the Council as aforesaid in front of lot or lots held or owned by a widow or widows as and for her or their dower, such expense incurred as aforesaid shall be paid by the owner or owners of the reversion in fee simple. All subsequent repairs named in this Act are to be kept up at the expense of such tenant in dower. Any notice required by this section to one co-owner shall be notice to all; and, in case no owner shall reside in the Town, notice may be served upon the occupier or tenant of said premises resident in the Town, and if there be no such occupier or tenant, it shall be sufficient to send said notice by mail to any owner of said premises directed to him or her at the post office nearest his or her residence. The provisions hereinbefore contained in this section shall apply to any order made by the Council in respect to any such paving heretofore done, which the Council may deem insufficient or to need repairing. The Council, in addition to the provisions of this section hereinbefore, shall have power and authority to enforce by ordinance all the requirements of this section by imposing such fines and penalties as shall be in the judgement of the Council deemed necessary and proper.

Section 411. Paving of Unpaved Streets

Upon written permission of eighty per cent of the property owners on an unpaved or unopened street the Council may order the paving or opening of that street. One third of the cost shall be paid by the Town, and the remaining two-thirds of the cost shall be paid by the property owners on the street to be opened or paved, except such real estate as is exempt from county and municipal assessment and taxation by virtue of any law of the State of Delaware. When the paving is complete, the Treasurer of the Town of Elsmere shall, as soon as convenient thereafter present to the said owner or owners of such lands a bill showing the expense of paving. If such owner or owners be not a resident in the Town of Elsmere, such bill may be presented to the occupier or tenant of such land, or, if there be no occupier or resident in the Town of Elsmere, such bill may be sent by mail to such owners or owners directed to him or them at the post office nearest his or their residence. If such bill be not paid by the owner or owners of such lands within thirty days after the presentation, then it shall be the duty of the Council to issue an order in the name of 'Town of Elsmere' under the hand of the Mayor and the seal of the said corporation, directed to the Treasurer of the Town of Elsmere commanding him to proceed in accordance with the authority granted under Article V, Section 501.2, 'Collection of Taxes' of this Act. The claim for paving shall be a lien on the premises in front of which the said work was done, except such real estate as is exempt from county and municipal assessment and taxation by virtue of any law of the State of Delaware, and shall have the same priority and be collectable in the same manner as municipal property taxes. If any new paving is ordered by the Council as aforesaid in front of lot or lots held or owned by a widow or widows as and for her or their dower, such expense incurred as aforesaid shall be paid by the owner or owners of the reversion in fee simple. All subsequent repairs named in this Act are to be kept up at the expense of the Town of Elsmere. Property owners shall not be assessed under this section for the repaving or repair

of streets now paved. Any notice required by this section to one co-owner, shall be notice to all. In case no owner shall reside in the Town, notice may be served upon the occupier or tenant of said premises resident in the Town; and, if there be no such occupier or tenant, it shall be sufficient to send said notice by mail to any owner of said premises, directed to him or her at the post office nearest his or her residence. The provisions hereinbefore contained in this section shall apply to any order made by the Council in respect to any such paving heretofore done, which the Council may deem insufficient or to need repairing. The Council, in addition to the provisions of this section hereinbefore shall have power and authority to enforce by ordinance all the requirements of this section by imposing such fines and penalties as shall be in the judgement of the Council deemed necessary and proper.

Section 412. New Developments and Subdivisions

The Council may, by ordinance, adopt land use and development regulations, including, but not limited to zoning and subdivision regulations.

ARTICLE V. PROPERTY AND SPECIAL ASSESSMENTS

Section 501. Property Assessments

501.1 Property Assessment Procedure

There annually shall be made a true, just and impartial valuation and assessment of all real estate within the town, except such real estate as is exempt from municipal assessment and taxation by virtue of any state law or provisions of this Charter, and also of such personal property as is subject to county assessment and taxation; provided, however, that in no event shall household furnishings, bank accounts, stocks, bonds, or automobiles be assessed or taxed.

In addition to the annual assessment provided herein, the Finance Director may, at the option of the Council, provide quarterly supplemental assessment rolls for the purpose of:

(1) Adding property not included on the last assessment, or

(2) Increasing or decreasing the assessment value of property which was included on the last assessment. The supplemental assessment roll may be used to correct errors on prior assessment rolls.

It shall be lawful for the Town to enter into an agreement with the Board of Assessment for the New Castle County to inspect and copy, or to obtain copies, of the assessments made for county purposes. Annually, the Council shall make a judgment regarding whether the Town will utilize such county assessments and whether said county assessments are a true, just and impartial evaluation. The Council then shall order the adoptions of such county assessment for municipal purposes or the adoption of assessments as determined by the Town assessment authority; provided, however, that adoption of the county assessment for municipal purposes shall not preclude the Town from modifying the county assessment list to take into account new construction or changes in ownership or use not reflected in the county assessment list, or clear cases of inequitable assessment.

(a) Approval of the Assessment Rolls

Assessment Appeals

Each year, there shall be prepared and submitted to Council at least sixty (60) days before the beginning of the tax year, two (2) or more copies of the assessment roll, which shall show the location of each parcel of taxable real and personal property by street and number or other suitable description. When the Council approves the roll as prepared, or as modified by the Council, then a full and complete transcript thereof shall be posted in a place in the Town designated by Council. Such posting shall take place at least forty-five (45) days before the beginning of the tax year and shall remain posted up to, but not including, the appeal day as herein set out. Notice of the time and place where the assessment list

may be viewed, and the time and place of hearing appeals shall be advertised at least twice in a newspaper of general circulation in the Town.

Each year, at least thirty (30) days before the beginning of the tax year, the Council shall hold a court of appeals, which court shall continue open from 7:00 p.m. to 10:00 p.m., during which time the Council shall hear and determine appeals from assessments and shall make such corrections and additions as may be deemed necessary and proper. The decision of a majority of the Council sitting on appeals shall be final and conclusive in respect to all appeals.

No Councilman shall sit on his own appeal, but the same shall be heard and determined by the other members of Council. After the said valuation and assessment shall be examined and adjusted by the Council, all property taxes shall be levied on real and personal property thus assessed in just and equal proportions.

501.2 Collection of Taxes

A list containing the names of the taxables and, opposite the name of each, the amount of his real and personal property assessment, and the total amount of the tax, shall be prepared as soon as practicable after the beginning of the tax year. All taxes shall be paid to the Finance Director, subject to such discounts and penalties and rules as the Council may direct.

It shall be the duty of the Finance Director to proceed forthwith to collect all taxes in the calendar year in which assessed. In the collections of said taxes, he shall have all the powers conferred upon or vested in the receiver of taxes and the county treasurer for New Castle County.

The provisions of Sections 2901 through 2905, inclusive, of the Annotated Code of Delaware, as amended, with reference to tax liens, shall be deemed and held to apply to all taxes laid and imposed under the provisions of this Charter, except that any such lien for taxes imposed shall continue for ten (10) years from the date such lien commences.

501.21 Additional Collection Methods

In the event that any Town taxes remain unpaid during the last day of February following the year after the year during which the said taxes were levied, the Town of Elsmere may file, or cause to be filed, a Praecipe in the office of the Prothonotary of the Superior Court in New Castle County, which Praecipe shall contain the name of the person against whom the taxes of assessments sought to be collected were assessed, a copy of the bills showing the amount of taxes or assessments due, the property against which the assessment was laid. The statement of the lot number or numbers of the particular section in which said property is located or the street number or numbers shall be sufficient identification and description of said property. The Prothonotary shall make a record on the same judgment records of said Superior Court against the property mentioned or described in dais Praecipe. Thereafter, upon a Praecipe for Monition filed in the office of said Prothonotary by the Town of Elsmere through any person authorized on its behalf to collect taxes assessments due to the Town of Elsmere, a Monition shall be issued by the Prothonotary aforesaid to the Sheriff of New Castle County, which Monition shall briefly state the amount of the judgment for the taxes or assessments due and the years thereof, together with a brief description of the property upon which said taxes or assessments are a lien. A description of such property by street and number or by lot number of numbers of the particular section in which said property is located shall be a sufficient description. Said Monition shall be in substantially the following form:

To all persons having or claiming to have any title, interest or lien upon within described premises, take warning that unless the judgment for the taxes or assessments stated herein is paid within twenty (20) days after the date hereof, or within such period of twenty (20) days evidence of the payment of taxes herein claimed shall be filed in the office of the Prothonotary, which evidence shall be in the form of a receipted bill, or duplicate thereof, bearing date prior to the filing of the lien in the office of the Prothonotary for New Castle County, the Town of Elsmere may

proceed to sell property herein mentioned or described for the purpose of collecting the judgment for the taxes or assessments herein stated:

Name of Person in Whose Name the Property is Assessed	Description of Property	Year or Amount of Years Judgement

Said Monition, or copy thereof, shall be posted by the Sheriff upon some prominent place or part of the property against which the said judgment for taxes or assessments is a lien. The Sheriff shall make due and proper return of his proceedings under the said Monition to said Prothonotary within ten (10) days after the posting of said copy of Monition as aforesaid. Alias or Pluries Monition shall constitute notice to the owner or owners and all persons having any interest in said property.

At any time after the expiration of twenty (20) days following the return of the Sheriff upon such Monition, unless before the expiration of said twenty (20) days the said judgment and costs on said judgment shall be paid or evidence of the payment of such taxes evidenced by a receipted bill or a duplicate thereof, bearing date therefor prior to the filing of said lien for the record in the office of the Prothonotary aforesaid, upon Praecipe filed by the Town of Elsmere, a writ of Venditioni Exponas shall issued out of the office of the said Prothonotary directed to the Sheriff commanding the Sheriff to sell the property mentioned or described in said writ and make due return of his proceedings thereunder in the same manner as is applicable with the respect to similar writs of Venditioni Exponas issued out of the said Superior Court.

NEW CASTLE COUNTY :

SS:

THE STATE OF DELAWARE

TO THE SHERIFF OF NEW CASTLE COUNTY

GREETINGS

WHEREAS, by a Monition issued out of the Superior Court, dated at Wilmington, the day of A.D., 19 , IT WAS COMMANDED, that you should post the said Monition, or copy thereof, upon the real estate therein mentioned and described, and make a return to the said Superior Court within ten days after said posting. That on the day of A.D., 19 , you returned a copy of the said Monition was posted on the real estate therein mentioned and described on the day of A.D., 19 .

We therefore now command you to expose to public sale the real estate mentioned and described in said Monition as follows:

And that you should cause to be made as well as a certain debt of Dollars ($) lawful money of the United States, which to the said Town of Elsmere, a municipal corporation of the State of Delaware, is due and owing, as also the sum of Dollars ($) lawful money as aforesaid, for its costs which it has sustained by the detaining of that debt, whereof, the said was convicted as it appears of record and against which said property it was a lien;

And have you that money before the Judges of our Superior Court at Wilmington, on Monday the day of next, to render to the said Town of Elsmere, a municipal corporation as aforesaid, for its debt and costs as aforesaid, and this writ;

WITNESSETH, the Honorable at Wilmington the day of A.D., 19

Prothonotary

Upon the return of the proceedings under said writ of Venditioni Exponas, the Superior Court may inquire into the regularity of the Proceedings thereunder, and either affirm the sale or set it aside.

Any real estate or interest therein sold under the provisions hereof shall vest in the purchased all the right, title and interest of the person in whose name said property was assessed, and/or all right, title and interest of the person or persons who are the owner or owners thereof and likewise freed and discharged from any dower or curtesy, whether absolute or inchoate, in or to said real estate, and from all equity of redemption and liens and encumbrance held by persons and corporations against such property.

The owner of any such real estate sold under the provisions of this Act or his legal representatives may redeem the same at any time within sixty (60) days from the day said sale thereof is approved by the Court by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen per cent in addition thereto, together with all the costs incurred in the cause; or if the purchaser or his legal representatives, successors or assigns shall refuse to receive the same, or do not reside or cannot be found within the Town of Elsmere, by paying said amount into said Court for the use of said purchaser, his legal representatives or assigns.

In the event that the owner of said property or his legal representatives shall fail to redeem said property as herein provided, the purchaser of said property or his legal representatives, successors or assigns may present a Petition to the Superior Court setting forth the appropriate facts in conformity with this Act and pray that the said Superior Court make an order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to said property to the Petitioner and thereupon the said Superior Court shall have the power, after a hearing upon said Petition, to issue an order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in said Petition, and a description of said property by street number or by lot number of numbers of the particular section in which said property is located, together with a description of said property by metes and bounds.

If the owner of any real estate sold under an order or his legal representative shall redeem said real estate, he may prefer to said Superior Court a petition setting forth the facts and thereupon the said Superior Court, after hearing and determining the facts set forth in said petition, shall have power to cause to be entered upon the record of the Judgment, under which said real estate was sold, a memorandum that the real estate was entered has been redeemed, and, thereafter, the said owner shall hold such redeemed real estate subject to the same liens, and in the same order or priority as they existed at the time of the sale thereof, excepting so far as the said liens have been discharged or reduced by the application of the proceeds by the said Sheriff from the said sale.

No Monition proceedings shall be brought under this Act unless the tax or assessment sought to be collected hereunder shall, at the time of the filing of said Petition in the office of the Prothonotary, be and constitute a lien on the property against which the tax or assessment was assessed or laid. All taxes for Town purposes which may hereafter be lawfully assessed on real estate in the Town of Elsmere shall constitute a prior lien thereon for a period of ten years from the first day of July succeeding the assessment of said taxes, but if the said real estate remains the property of the person to whom it is assessed, the lien shall continue until the tax is collected and may, with all the incidental costs

and expenses, be collected by sale thereof as hereinbefore provided. The said tax lien and costs and reasonable counsel fees for the collection thereof shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsiblity which real estate may be charged with or liable to. The Town of Elsmere shall have the authority to authorize any person or persons to make a bid or bids at the sale of any real estate under the provisions of this Act, and, in the event that such person or persons is the highest and best bidder of bidders therefor, the title thereto shall be taken in the name of the Town of Elsmere, a municipal corporation of the State of Delaware. The Town of Elsmere, by resolution duly adopted, is authorized and empowered to sell and convey any real estate purchased under the provisions of this Act.

Whenever the Superior Court is mentioned in this Statute the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done under this Act may be done by the said Superior Court or any Judge thereof in vacation thereof, as well as in term time.

The fees and cost to be fixed in all Monition proceedings under this Act, where not otherwise provided for, shall be set by the Council by ordinance. All other charges not covered by this and the preceding section shall be the same as are provided by law.

The foregoing method for enforcing the collection of Town taxes shall not preclude the enforcement of payment thereof by appropriate civil suit against the person or persons personally liable for their payment by reason of said person or persons having been the owner of said real estate at the time when the said taxes became a lien.

501.3 Levying of Special Assessments

The Town of Elsmere is hereby authorized and empowered to levy and collect special assessment upon property in a limited and determinable area, including such real estate as would be otherwise exempt from county and municipal assessment and taxation by virtue of any law of the State of Delaware, for special benefits accruing to such property as a consequence of any municipal public work or improvement and to provide for the payment of all or any part of the costs of the work, service or improvement out of the proceeds of said assessments.

501.4 Assessments Payable in Installments

The Council may provide for the payment of special assessments, for whatever purpose levied, by installments, but assessments for permanent improvements shall be payable within ten (10) years in annual or more frequent installments, and assessments for current service shall be payable within one (1) year.

501.5. Assessments Not to Exceed Value of Benefit

The amount assessed against any property for any work or improvement shall not exceed the value of the benefits accruing to the property therefrom.

ARTICLE VI. COUNCIL APPOINTMENTS

601. The Solicitor

At the biennial organizational meeting the Council shall appoint an attorney of law who shall be an officer of the Town who shall have the title of Town Solicitor. He shall be a member of the Bar of the State of Delaware. It shall be his duty to give legal advice to Council, other officers of the Town, and to all Town departments, offices and agencies. He shall represent the Town in all legal proceedings and shall perform such other legal services as may be required of him by Council, this Charter, by law or by ordinance. Council may procure such additional legal services as it may deem to be required.

602. The Secretary

The Secretary shall cause to be recorded all of the proceedings of the Council and keep a correct record of the same in a book to be provided for

that purpose, and shall file and keep in a safe place the seal of the Town and all papers and documents relative to the affairs of the Town; and, shall deliver the same to his successor in office. The Secretary shall attest the seal of the Town when authorized by Council and shall perform such duties and have such other powers as may be prescribed by Council. All records, books, paper and documents in the custody of the Secretary shall always be open for inspection by the Council and the public under such regulations as Council may prescribe. The Secretary may be a member of the Council. He shall be elected by a ballot or voice vote at the biennial organization meeting for a period of two (2) years or until his successor is duly elected and qualified.

603. Board of Health

At the biennial organization meeting of the Council, the Mayor shall appoint a Board of Health consisting of five (5) members, one of whom shall be a practicing physician in the Town of Elsmere, if there be one available; or, if not, a practicing physician in New Castle County. The Mayor's appointments shall be confirmed by a majority of the whole Council. The Board shall serve for two (2) years, shall have cognizance of the interests of life and health within the Town and that of the people residing within one-quarter mile of the boundaries of said Town, except where such area outside of the Town may lie within the jurisdiction of another municipality. The Board of Health shall report to the Council monthly in writing whatever is deemed by the Board to be injurious to the health of the Town, and shall also make recommendations to the Council of whatever may contribute to useful sanitary information. The Board shall also have all powers and duties enumerated by the laws of the State of Delaware for local boards of health.

ARTICLE VII. TOWN ADMINISTRATION

701. Town Manager

The Council may by ordinance provide for the creation of the office of the Town Manager who shall be either (1) a graduate civil engineer or its equivalent in experience; or (2) who shall be otherwise qualified by education and experience in municipal administration, and whose powers and duties shall be as set forth in such ordinance. The Council may in such ordinance give to the Town Manager such powers over the appointment of personnel which are now vested in the Mayor and Council.

702. Police Department and the Department of Public Safety

702.1 - Department of Public Safety.

702.1.1 - Created; composition, qualifications of members generally.

There is hereby created a department for the Town of Elsmere, to be known as the Department of Public Safety, which shall consist of three members who shall be qualified voters of the State of Delaware and residents of and property owners in the Town of Elsmere.

702.1.2 Appointment; terms of office; vacancies; members to hold no other municipal office; removal.

The directors of the Department of Public Safety shall be appointed by the Mayor, subject to the confirmation by the majority of the whole Council and shall serve without compensation. Such persons so appointed shall hold office for a term of four (4) years from the first day of May next ensuing the enactment of this statute, or until their successor shall have been appointed and confirmed. The first appointments under this section shall be for periods of two (2); three (3) and four (4) years respectively. Thereafter each appointment shall be for a term of four (4) years.

Vacancies in such department caused by death, resignation, or otherwise shall be filled by the Mayor for the residue of the unexpired term, and shall also be subject to the confirmation of the majority of the whole Council.

The directors of such department shall not hold any other municipal office while serving as a director, nor shall all of such directors be of the same political party.

Any director may be removed for malfeasance in office by the Council with the concurrence of two-thirds of all the members of the Council.

702.1.3 Oath of Office

The directors of the Department of Public Safety shall also take and subscribe before any person authorized to take oaths, in addition to any other oath required by law to be taken by municipal officials, a further oath or affirmation that in every appointment and removal to be made by such directors to and from such department, except in the discharge of superfluous employees, they will in no case and under no pretext appoint or remove any policeman, officer of other person for any other cause or reason than individual fitness or unfitness.

702.1.4 Powers and Duties Generally

The Department of Public Safety shall have full jurisdiction, management, and control of the Police force of the Town, and all the powers and authority conferred thereon, and shall be subject to all duties enjoined upon the Mayor and Council of the Town of Elsmere by virtue of the laws of this state and the ordinances of the Town of Elsmere relative to the Police force of the Town.

702.1.5 Certain Duties Enumerated

The duties of the Department of Public Safety created by Article I of this Charter shall be as follows:

It shall at all times of the day and night, within the boundaries of the Town, preserve the public peace, prevent crime, arrest offenders, protect the rights of persons and the rights of property, guard the public health, preserve order at primary meetings and elections, and at all public meetings and conventions, and on all public occasions, prevent and remove nuisances in all public streets and highways, and all other places, provide property police force at every fire for the protection of firemen and property, and enforce all laws of the state and all laws and ordinances, rules and regulations of the Town properly enforceable by a police bureau.

702.1.6 Preparation of a Budget

The directors of the Department of Public Safety shall, some time before the first day of August of each year, present in writing to the Council a budget, the same showing an itemized statement of the amount of money that such directors estimate will be needed by such department to cover all the costs of conducting the Department of Public Safety for the ensuing year. After careful consideration of such budget, the Council, when it shall make its yearly appropriations for the conduct of other departments and agencies of the Town, shall make appropriation in such amount of money as will meet the requirements of the budget as submitted by such department, and be consistent with the estimated income of the Town for the ensuing fiscal year.

702.1.7 Payment of Accounts

All accounts contracted by the Department of Public Safety in and about the control and management of the affairs of the department shall be paid by the Town Treasurer out of the appropriation provided for in the preceding section upon proper vouchers duly approved by the directors, or any two of them.

702.1.8 Expenses

The Secretary of the Department of Public Safety shall keep a correct copy of all bills for expenses which shall be approved by the Department of Public Safety before payment.

702.1.9 Duties of the Town Solicitor

The Town Solicitor shall be the legal advisor and attorney for the Department of Public Safety. He shall prosecute all actions against a member, officer, agent or employee of the Department of Public Safety for malfeasance or misfeasance in office; he shall be the legal counsel of such departments or officers thereof in all civil actions brought by or against it or them and relating to their official acts and he shall conduct the same in his official capacity.

702.1.10 Department Physician Generally

The Department of Public Safety is hereby authorized to appoint and commission annually a physician of integrity and capacity who shall have practiced the profession of medicine at least three (3) years next preceding the date of his commision, to act as physician of the Department of Public Safety of the Town, under such rules and regulations as the department may prescribe for his conduct. The duties of such physician shall be to examine thoroughly all applicants for positions on the police force of the Town, and to test their entire fitness in every respect for such position; to visit all policemen and officers of police who may be returned as sick, and report their conditions to the Department of Public Safety; and, to perform all other professional duties in connection with the department and police bureau as the department may from time to time direct. The tenure of the office of such physician shall be determinable within the appointed year for cause by a majority vote of the directors of the department and under their exclusive direction, and the physician of the department shall be compensated only up to the time of such determination of his office.

702.1.11 The Work Week of Members and Employees

The work week of all members and employees of the Department of Public Safety shall be at the discretion of the directors.

702.1.12 Ordinances, etc. relating to Police Bureau

The ordinances, rules and regulations of the Town now in force relating to the police shall remain in force until the same are changed in whole or in part by the Department of Public Safety.

702.1.13 Personnel of Department Generally

In addition to the powers conferred upon the Department of Public Safety by this act and the powers conferred upon the Mayor and Council by the laws of the State of Delaware, the directors of the Department of Public Safety shall have the power to appoint a Chief of Police and such number of officers, agents, members and employees of the department, fill vacancies therein and fix and regulate the salary of the employees. The directors shall have the full power to make such rules and regulations as they may deem necessary for the proper control and management of such department and government of its officers, agents, members and employees, and they shall have full authority to enforce such rules and regulations by any lawful means.

702.1.14 Unlawful Use of Police Uniform, Badge, Whistles, Calls or Signals

Any person, other than a member of the bureau of police, who shall publicly use such badges and uniforms as the Department of Public Safety may prescribe for the use of such member, or shall make use of the whistles, calls or other modes of signaling that are used by the police bureau, shall be deemed guilty of a misdeameanor, and upon conviction thereof, shall forfeit and pay to the Town a fine of not more than Two Hundred ($200.00) Dollars, and, at the discretion of the court, serve a term of imprisonment.

702.1.15 Members of Police Frequenting Saloons

No Chief of Police, officer of police or policeman shall, while on duty, enter any drinking saloon or other place where liquors are to be sold to be drunk on the premises, except in the discharge of his duties, under penalty of immediate dismissal.

702.1.16 Special Police

In addition to the officers named in other provisions of this act, the Department of Public Safety is hereby authorized and empowered to appoint and cause to be sworn in any number of special police officers to do duty at any place in the Town designated by and at the charge and expense of the person or persons who may ask for such appointment, and may change or remove them at pleasure.

Special police officers appointed pursuant to the preceding paragraph shall be subject to and obey orders, rules and regulations governing Town constables and conform to the general discipline and special regulations of the Department of Public Safety. The Department of Public Safety shall be and is hereby authorized and empowered to appoint and cause to be sworn in any employee of the Town as a special police officer. Any Town employee who shall be so appointed and qualified shall be subject to and obey orders, rules and regulations governing Town constables and conform to the general discipline and special regulations of the Department of Public Safety so long as he shall continue to act as a special police officer. Such special police officer shall be removed by the Department of Public Safety upon the request of the department by which he is employed.

702.2 Powers of Police

It shall be the duty of the Department of Public Safety to appoint a police force consisting of a chief and such number of subordinates as the Department shall determine, and all persons so appointed shall be residents of the Town of Elsmere at the time of his or her appointment to such office. The Department shall from time to time make rules and regulations as may be necessary for the organization, government and control of the police force. The chief and members of the police force may be removed by the Department. They shall preserve peace and order and shall compel obedience, within the Town limits, to the ordinances of the Town and the laws of the State of Delaware and, they shall have such other duties as the Council may from time to time prescribe. They shall execute within the Town limits, criminal process issued by a Justice of New Castle County.

703. Compensation of Officers and Employees

The Council shall have the power to fix the compensation of all officers elected by ballot at the annual organization meeting, and such other officers, employees and agents of the Town, which by it may be deemed proper and necessary for the proper conduct and management of the Town. Any officer or appointed official may be removed by the Council for sufficient cause.

704. Retirement Plan

The Council may provide, by ordinance, a Retirement Plan for any or all groups of employees in the service of the Town of Elsmere.

705. Contracts

All contracts of whatever character involving an expenditure above an amount determined by resolution of the Council shall be written and shall be let and made by the Council and shall be based on specifications provided by the appropriate person designated by the Council.

Pending advertisements for bids, any plans, specifications, and profiles to be used in the proposed work or contract shall remain on file in the office of the Council and shall be subject to the inspection of any interested person. All contracts and purchases above an amount determined by resolution of the Council shall be entered into and made only after advertising not less than two (2) times in a newspaper of general circulation in New Castle County, inviting competitive bids. Each such bid shall be sealed and filed with the person designated by the Council. All bids shall be opened in the presence of the Council or a duly authorized committee of the Council and shall remain on file.

The Council shall consider all bids which have been properly filed and may enter into a contract with the party offering the lowest and/or best bid, or they may reject all bids and readvertise for bids, or they may have the work done under the supervision of the proper department of the Town.

The awarding of a contract to the successful bidder shall give no right of action or claim against the Town upon such bid or contract until the same shall be reduced to writing and duly signed by the contracting parties. The Council shall have the power to require all bidders to post bonds to secure the performance of the contract and the payment of all claims for labor and materials used in the work.

706. Fees

All fees and monies received by any officer or employee shall belong to the Town of Elsmere and shall be paid weekly to the Treasurer unless otherwise provided herein or by ordinance.

ARTICLE VIII: FINANCIAL PROCEDURE

801. Fiscal Year

The fiscal year of the Town of Elsmere shall begin on the first day of July of each year and shall end on the last day of June of the following year. Such fiscal year shall also constitute the budget and accounting year, except as otherwise provided for herein.

802. Submission of Budget

Annually, and not later than forty-five (45) days before the beginning of the fiscal year, the Council shall cause to be submitted a budget containing a financial plan for conducting the affairs of the Town for the ensuing fiscal year.

The budget shall contain the following information:

(1) Proposed expenditures for current operations during the ensuing fiscal year, detailed by departments in specific line items, and the method of financing such expenditures;

(2) The amount of debt of the Town, together with a schedule of maturity of bond issues.

(3) A statement of the amount of interest on the bonded debt, the amount necessary to pay any bond maturing during the year, and the amount required for the sinking fund, if any.

(4) Proposed capital expenditures during the ensuing fiscal year, detailed by departments when practical, and the proposed method of financing each such capital expenditure; and

(5) An estimate of the amount of money to be received from taxes and all other anticipated income of the town from any source or sources.

(6) Proposed allocation to the Contingency Fund, if any.

803. Council Action on the Budget

The Council shall cause to be published in a newspaper of general circulation in the town a notice of the time and place for a public hearing on the budget, and a notice of the times and places where copies of the budget are available for inspection by the public. Such notice shall be published not less than two (2) weeks prior to such hearing.

After the public hearing, the Council may adopt the budget with or without amendment. The Council may insert new items of expenditure or may increase, decrease or strike out items of expenditure, except that no item of appropriation for debt service shall be reduced.

The budget for the ensuing year shall be adopted by the Council no later than the last day of the fiscal year currently ending. The tax rate for the ensuing fiscal year may be adopted prior to the time the budget is adopted. If it fails to so adopt, the budget submitted by the Town's departments for operations for the current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis with all items in it prorated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year. Also, during such period, Council may

appropriate amounts requested for specific capital improvement projects, provided that the town manager and the finance director certify that the necessary funds are available therefor.

804. Budget Amendments after Adoption

To meet a public emergency affecting life, health, property or the public peace or to meet a emergency affecting the ability of a Town department to function as intended, the Council may make emergency appropriations out of the Town's accumulated surplus, also known as the contingency fund. Such appropriations must be approved by a three quarters (3/4) vote of the members serving on Council. At any time during the fiscal year, the Council may transfer part or all of any unencumbered line item balance from one department or office to another.

All actions taken under the provisions of this section shall be at regular council meetings and shall be recorded in the council minutes.

805. Independent Annual Audit

At least once in any given year, the Council shall designate a certified public accountant or firm of certified public accountants who shall make an independent audit of accounts and other evidence of fiscal transactions of the Town government and shall submit their report to the Council. In election years this audit shall be made as of the last day of the terms of the Mayor and Council. The said accountants shall have no personal interest direct or indirect in the fiscal affairs of the Town government or any of its officers. They shall not maintain any accounts of the Town business, but shall within specified limits approved by the Council audit the books and documents of the treasurer or other appropriate officer or any separate or subordinate accounts kept by any other office, department or agency of the Town government. When received, the report of the auditors shall become part of the minutes of the Council, and shall be available for inspection by any citizen of the Town at such reasonable times as may be determined by the Council.

ARTICLE IX. NOMINATIONS AND ELECTIONS

901. Voter Qualifications

Every person domiciled in the Town of Elsmere who shall have reached the required age to vote in State elections, who is a citizen of the United States and who has been domiciled in the State of Delaware for at least one year and in the Town of Elsmere for at least thirty (30) days preceding the election, and whose name is recorded in the list of registered voters provided to the Town by the New Castle County Department of Elections shall be entitled to vote at the biennial municipal elections, special elections, and referenda, except as otherwise provided in this Charter.

The Council shall by ordinance provide for the supplemental registration of voters in each of the respective districts, provided that there shall be at least two (2) registration days in each election year, the last of which not more than thirty (30) days prior to the election. The ordinance may provide for permanent registration lists. There need be not special registration for referenda and special elections, but the qualifications for voting as such shall be based upon the last previous registration.

902. Council Nominations

Any person desiring to be a candidate or to be voted for in a primary election as a candidate for nomination for Mayor, Treasurer or Councilman shall give notice in writing to the Town Secretary. Such notification shall be made, on forms provided by the Town, on or before 7:00 p.m. of the first Monday in February prior to the biennial municipal elections, or the fifth Monday prior to a special election.

All candidates at the time of giving notice as required in this section shall tender to the Town a filing fee equal to three percent (3%) of the total salary for the entire term of office for which the candidate is filing.

Any candidate who has filed for nomination as required in this section may withdraw the filing by notifying the Town Secretary on forms to be provided by the Town. The notice of withdrawal shall be filed before 12:00 noon of the second Monday in February prior to the biennial municipal elections, or the fifth Monday prior to a special election. The filing fee shall be refunded after receipt of the notice of withdrawal.

903. Primary Elections

903.1 Definitions. For the purpose of this section, the following definitions shall apply:

'Council' means Council of the Town of Elsmere.

'Party' or 'Political Party' means any organization of bona fide citizens and voters of the Town of Elsmere which, by means of a primary election, nominate candidates for offices to be filled by the people of the Town of Elsmere at elections held for the purpose of electing persons to the offices to be filled at any elections held for said purpose, shall be deemed and taken to be a political party within the meaning of this subsection. No organizations shall be taken as a political party that do not represent at least 100 bona fide citizens and voters of the Town of Elsmere. If the Council should have any doubt as to the sufficiency of the number of bona fide voters represented by any organization in the said Town of Elsmere, they may demand a certificate of 25 belonging to such organization as to that fact.

'Primary Election' means an assemblage of voters who are members of any political party organization or association as defined in this section duly convened for the purpose of nominating a candidate or candidates for public office.

903.2 Primary Election Procedures

(1) If, upon receipt of the nomination applications, it is determined by the Council that more than one candidate from a political party desires to be placed on the ballot for the office of Mayor, Treasurer or Councilman for the municipal election, a primary election shall be held.

(2) The primary election for all candidates of any political party to be presented at the election next ensuing shall be held on the second Saturday in March.

(3) The time for opening the polls for the purpose of conducting the primary election shall be 12 noon and the time for closing the polls at such primary election shall be 8 o'clock in the evening.

(4) The Council shall, at least ten (10) days before a primary election, determine and establish primary election districts.

The Council and the election officers shall conduct the primary elections in the same way that general Town elections are conducted and in accordance with the applicable provisions of this section.

The primary election officers and clerks shall be chosen by Council from among the election officers and clerks selected for the same election district or districts contained in the primary election district. For each such primary election district, the election officers and clerks shall be divided as equally as possible between the two principal parties, except that, in the event that there is a contest in only one party in a primary election district, all of the primary election officers and clerks for that district shall be persons whose party affiliation, as shown upon his original permanent registration record, is the same as the party holding the primary contest.

(5) Notice of the time and place for holding the primary election shall be given by publishing the same each day for at least five days before the time of holding same in one or more daily newspapers of general circulation in New Castle County.

(6) Qualifications of voters. An elector may vote in the primary election of a political party only if he is a duly registered voter and it

appears upon his original permanent registration record that his party affiliation is the same as the party which is holding the primary election.

(7) The expenses for holding primary elections under the provisions of this chapter, including stationary and pay of officers and clerks, shall be paid by the Town of Elsmere.

904. Elections

A regular municipal election shall be held on the last Saturday in April, 1991 or on the first Saturday, which shall be more than 60 days after the enactment of this Charter, which ever is later, and on the last Saturday of April in each second year thereafter. Council shall by ordinances set the hours during which the polls shall be open. The Council shall designate the place or places of election and make all necessary rules and regulations not inconsistent with this Charter, nor with the general laws of the State of Delaware for the conduct of elections, for the prevention of fraud in elections and for the recount of ballots in case of doubt or fraud.

At least ten (10) days prior to such elections, due notice thereof and of the time and place or places thereof shall be given by the Council. At all such elections the votes shall be received at each polling place by three (3) qualified voters of said Town appointed by the Council from lists of five (5) voters in each district supplied by each political party at any regular or special meeting thereof held in the month preceding said election. Not more than two (2) of the election officers in any district shall be members of the same political party, and no political party shall have a majority of election officers in more than half of the election districts. One of the said persons for each polling place shall be designated as the inspector and the other two as judges of the election, and the three at each polling place shall be known as officers of election, and no such person shall be a candidate for office at any such election. In addition to the election officers, there shall be two clerks at each polling place, each of which shall represent one of the two political parties. The clerks shall be appointed by the Council from a list of three names from each district submitted by each political party. The result of the balloting at each polling place for said officers of said Town shall be ascertained by the said officers of election, who shall certify said results under their hands to the Council. The Council may appoint clerks to assist the officers of election.

In case of referenda or special elections, the same procedure shall be followed to the extent applicable as with respect to the regular elections and the penalty for fraud and misconduct shall be the same.

905. Ballots

For the purpose of the regular Town elections, a separate form of ballot shall be provided for each district, which ballot shall contain, in addition to the names of the candidates for the Town Council running in that district, the names of the candidates for those offices which are voted upon at large. The ballots provided for the purpose of the municipal election shall bear a party designation and shall contain a list of the candidates by party under the offices to which they seek election. Official ballots shall not be used as sample ballots but shall be used only at the election. The officers of the election shall not supply any ballots to any person except one ballot to each voter, proper to his district, as he enters the polls to vote. In the event of spoilage of a ballot, the spoiled ballot must be returned by the voter to entitle him to a new ballot. No ballot other than those supplied by the officers of election shall be used at the municipal election and the ballots shall contain only the names of candidates who have duly filed as hereinbefore described. Council may by ordinance provide for the use of voting machines in municipal elections.

ARTICLE X: GENERAL PROVISIONS

1001. Bonding of City Officials and Employees

The Mayor, and such other officers and employees of the Town of Elsmere as the Town may require, shall give bonds for faithful performance of their

duties in such amounts and with such surety as may be approved by the Council or otherwise provided herein. The premiums on such bonds shall be paid by the Town of Elsmere. Failure to give such bond, with surety, shall work an automatic forfeiture of office and the vacancy created thereby shall be filled as herein provided in the case of other vacancies.

1002. Oath of Office

Every member of the Council, the Town Treasurer, the heads of all Town Departments, and other such officials or employees as Council may by ordinance require, shall, before entering upon the duties of their office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the Secretary:

> 'I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of Delaware, and that I will faithfully discharge the duties of the office of _____ according to the best of my ability.'

The Mayor, Members of Council, and the Secretary of the Council shall have the power to administer oaths required by this Charter.

1003. Severability of Charter Provisions

If any provisions of this charter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Charter which can be given effect without the invalid provisions or applications, and to this end the provisions of this Charter are declared to be severable.

ARTICLE XI: TRANSITIONAL PROVISIONS

1101. Former Government in Force

All ordinances, resolutions, orders, rules or regulations in force in the Town of Elsmere at the time when this Charter takes effect, regardless of the authority under which originally enacted, shall continue in full force and effect until the Council otherwise provides by ordinance, except to the extent that any such ordinance, resolution, order, rule or regulation may be in contravention of this Charter.

1102. Continuance in Office

All employees of the Town of Elsmere at the time this Charter goes into effect shall continue in such employment and shall draw the same rate of compensation as during the month preceding the adoption of this Charter until removed or until the compensation is changed.

The Mayor and the Council holding office on the effective date of this Charter shall continue as the Mayor and the Council until their successors are elected and qualify.

1103. Effective Date

This Charter of the Town of Elsmere shall take effect upon the qualification of the Town officers elected in accordance with Article IX; but the sections of this Charter governing registration, election districts and elections shall take effect immediately.

This Charter as amended shall become effective pursuant to the provisions of 22 Del. C. §801, et seq.

Approved January 30, 1991.

CHAPTER 4

FORMERLY

HOUSE BILL NO. 1

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO GAMBLING.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 135th General Assembly, being Chapter 241, Volume 67, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE II OF THE CONSTITUTION OF THE STATE OF DELAWARE RELATING TO GAMBLING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 17, Article II of the Constitution of the State of Delaware by striking subsection (c) of said section, and substituting in lieu thereof the following:

'(c) Wagering or betting by the use of pari-mutuel machines or totalizators on horse races conducted at racetracks within or without the State, provided that such wagering or betting may be conducted only either:

(1) within the enclosure of any racetrack licensed under the laws of the State to conduct a race meeting, or

(2) within the enclosure of any racetrack licensed under the laws of the State to receive and accept wagers or bets on electronically televised simulcasts of horse races.'"

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 135th General Assembly.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. The said proposed amendment is hereby concurred in and adopted, and shall forthwith become a part of the Constitution of the State of Delaware.

Approved January 24, 1991.

CHAPTER 5

FORMERLY

SENATE BILL NO. 6

AN ACT TO AMEND TITLE 10, DELAWARE CODE, RELATING TO LIMITATION OF LIABILITY FOR OIL AND HAZARDOUS MATERIAL DISCHARGE CLEANUP.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 81, Title 10 of the Delaware Code by adding thereto a new Section to read as follows:

"§8135. Limitation on Liability of Third Parties Rendering Assistance in Oil or Hazardous Material Discharge Cleanup.

(a) The provisions of any law, rule or regulation to the contrary notwithstanding, the liability of any person rendering care, assistance, or advice to prevent, minimize or mitigate oil or hazardous material discharge for any removal costs and damage caused by or related to such care, assistance or advice shall be limited to acts or omissions of such person which can be shown to have been the result of gross negligence, reckless, wilful, wanton and/or intentional acts of misconduct on the part of such person.

(b) The limit of liability as set forth in Subsection (a) of this Section shall not apply to the actions of any person responsible for the initial discharge.

(c) Any person responsible for the initial discharge is liable for any removal costs and damages that another person is relieved of under Subsection (a) of this Section.

(d) This Section shall not be construed to limit any liability of any person for personal injuries or wrongful death as a result of the acts or omissions of such person."

Section 2. Amend Chapter 81, Title 10 of the Delaware Code by striking §8134 in its entirety.

Approved January 31, 1991.

CHAPTER 6

FORMERLY

HOUSE BILL NO. 96
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 20, TITLE 30, DELAWARE CODE AND 64 DELAWARE LAWS, CHAPTER 460 AS AMENDED RELATING TO ELIGIBILITY FOR BUSINESS TAX CREDITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2010 of Chapter 20, Title 30, Delaware Code by striking the date "1991" as the same appears in subsections (4) and (5) thereof, and substituting in lieu thereof the date "1992".

Section 2. Amend Section 12 of 64 Delaware Laws, Chapter 460 as amended by 67 Delaware Laws, Chapter 120 by striking the date "1991" as the same appears in said section and substituting in lieu thereof the date "1992".

Section 3. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 4. This Act shall be effective as of January 1, 1991.

Approved February 8, 1991.

CHAPTER 7

FORMERLY

HOUSE BILL NO. 87

AN ACT TO AMEND TITLE 29 RELATING TO LIMITATIONS ON THE ISSUANCE OF DEBT AND OTHER OBLIGATIONS BY THE STATE AND ITS AGENCIES AND AUTHORITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Section 7422, Title 29, Delaware Code shall be deleted and in its place shall be substituted the following:

"§7422. Limitations on debt and other obligations.

(a) For the purposes of this section -

(1) 'Tax supported obligations of the State' means (A) all obligations of the State or any agency or authority thereof to which the State's full faith and credit is pledged to pay directly or by guarantee and (B) all obligations of the State or any agency or authority thereof extending beyond one year with respect to the lease, occupancy or acquisition of property which are incurred in connection with debt financing transactions (e.g., certificates of participation) and which are payable from taxes, fees, permits, licenses and fines imposed or approved by the General Assembly. Tax supported obligations do not include (A) obligations incurred to acquire a like principal amount of full faith and credit obligations issued by a local school district to the extent such local school district obligations are not in default, (B) any obligations of the Delaware Transportation Authority; or (C) any tax or other revenue anticipation notes or bonds of the State.

(2) 'Transportation Trust Fund debt obligations' means all debt obligations of the Delaware Transportation Authority, including all obligations extending beyond one year with respect to the loan, occupancy or acquisition of property which are incurred in connection with debt financing transactions (e.g., certificates of participation), and which in any case are payable from the Transportation Trust Fund.

(3) 'Aggregate maximum annual payments' on all tax supported obligations and all Transportation Trust Fund debt obligations outstanding, (plus certain Lease Obligations as described in Subsection (c) below), means the maximum payments due with respect to all such obligations in any one fiscal year. In any case where the terms of any such obligation include limitations on the incurrence of additional debt, the determination of maximum annual payments with respect to such obligation shall be determined consistently with those terms.

(b) The aggregate principal amount of tax supported obligations of the State which may be authorized by the State in any one fiscal year may not exceed 5% of the estimated net General Fund revenue for that fiscal year from all sources, (not including unencumbered funds remaining at the end of the previous fiscal year) as determined by the joint resolution approved by a majority of the members elected to each House of the General Assembly and signed by the Governor in connection with the adoption of the annual Budget Appropriation Bill for that fiscal year. Any amount of tax supported obligations which are duly authorized in any fiscal year within the limits of this subsection, and then are later deauthorized, may subsequently be reauthorized without regard to the authorization limit otherwise provided by this subsection.

(c) No tax supported obligation of the State and no Transportation Trust Fund debt obligation of the Delaware Transportation Authority may be incurred if the aggregate maximum annual payments on all such outstanding obligations (plus certain Lease Obligations described below) will exceed 15% of the estimated aggregate General Fund revenue from all sources, (not including unencumbered funds remaining at the end of the previous fiscal year), plus estimated Transportation Trust Fund revenue for the fiscal year in which such obligation is incurred, such estimated revenue as determined by the most recent joint resolution approved by a majority of the members elected to each House of the General Assembly and signed by the Governor. The Lease Obligations referred to in the preceding sentence shall mean (1) all

obligations of the State or any agency or authority thereof which are payable from taxes, fees, permits, licenses and fines imposed or approved by the General Assembly and (ii) all obligations of the Delaware Transportation Authority which are payable from the Transportation Trust Fund, which in either case extend beyond one year and are with respect to the lease, occupancy, or use of property. For the purposes of this subsection, the maximum annual payments on the above-described Lease Obligations shall be as of the first day of the fiscal year of reference as certified by the Secretary of Finance.

(d) No obligation to which the State's full faith and credit is pledged may be incurred if the maximum annual debt service payable in any fiscal year on all such outstanding obligations will exceed the State's cumulative cash balances for the fiscal year in which such obligation is incurred as determined by the joint resolution approved by a majority of the members elected to each House of the General Assembly and signed by the Governor in connection with the adoption of the annual Budget Appropriation Bill for that fiscal year. For the purposes of this subsection, there shall not be included (i) obligations incurred to acquire a like principal amount of full faith and credit obligations issued by a local school district to the extent such local school district obligations are not in default, (ii) general obligation bonds of the State issued prior to January 1, 1987 for transportation related projects as certified by the Secretary of Finance, or (iii) tax or other revenue anticipation notes of the State.

(e) There shall be attached to every bill and amendment introduced in the House of Representatives and/or in the Senate, of the General Assembly, which authorizes the incurrence of a tax supported obligation described in subsection (b), a debt statement in substantially the following form:

Office of State Treasurer

Debt Limit Statement Dated _____

This Debt Limit Statement to be attached to

_____ as required by Section 7422, Title 29 Delaware Code.

(1) DEBT LIMIT - PROJECTED REVENUE

(a)	Estimated General Fund revenue for the fiscal year ending June 30, _____ as per the joint resolution of the House and Senate and signed by the Governor in connection with the adoption of the annual Budget Appropriation Bill for that fiscal year	$_____
(b)	Multiply by 5%	x_____.05
(c)	Maximum aggregate principal amount of tax supported obligations which may be authorized by the State in the fiscal year ending June 30, _____	$_____

(2) TAX SUPPORTED OBLIGATIONS PREVIOUSLY AUTHORIZED IN THE FISCAL YEAR (and which have not been deauthorized)

(a)	Aggregate principal amount of general obligations of the State	$_____
(b)	Aggregate principal amount of obligations guaranteed by a pledge of the State's full faith and credit	$_____
(c)	Aggregate principal amount of	

obligations extending beyond one year with respect to lease, occupancy or acquisition of property and incurred in connection with debt financing transactions $_____

(d) Less obligations to acquire local school district bonds $_____

(e) Less tax and other revenue anticipation obligations $_____

(f) Total previously authorized tax supported obligations subject to debt limit $_____

(3) TAX SUPPORTED OBLIGATIONS TO BE AUTHORIZED PURSUANT TO THE APPENDED LEGISLATION

(a) Aggregate principal amount of general obligations of the State $_____

(b) Aggregate principal amount of obligations to be guaranteed by a pledge of the State's full faith and credit $_____

(c) Aggregate principal amount of obligations extending beyond one year with respect to lease, occupancy or acquisition of property to be incurred in connection with debt financing transactions $_____

(d) Less obligations to acquire local school district bonds $_____

(e) Less tax and other revenue anticipation obligations $_____

(f) Total aggregate principal amount of tax supported obligations subject to debt limits to be authorized pursuant to appended legislation $_____

(4) REMAINING DEBT LIMIT (1) - (2) - (3) $_____

(f) The joint resolution referred to this Section shall be in substantially the following form:

_____ Joint Resolution No. _____

The Official Estimates of General Fund and Transportation Trust Fund Revenue For Fiscal Year _____.

WHEREAS, Section 7422 of Title 29 Delaware Code imposes certain limitations on the authorization and incurrence of debt by the State and the Delaware Transportation Authority based in part on estimated General Fund revenue and Transportation Trust Fund revenue for the fiscal year;

NOW, THEREFORE:

BE IT RESOLVED by the House of Representatives and the Senate of the 136th General Assembly of the State of Delaware with the approval of the Governor that the following are adopted as the Official estimates with respect to revenues for fiscal year _____:

Gross General Fund Revenue
Revenue Refunds
Net General Fund Revenue
Unencumbered Funds
Transportation Trust Fund Revenue"

Section 2. Section 7423, Title 29, Delaware Code shall be deleted and in its place shall be substituted the following:

"§7423. DEFAC Monitoring of Debt Limits.

The Delaware Economic and Financial Advisory Council shall monitor the application and effect of the debt limits imposed by Section 7422 and shall report annually to the General Assembly and the Governor with respect thereto and shall include in such reports any recommendations with respect to such debt limits and the then current Debt Affordability Study prepared by the Department of Finance."

Section 3. This Act shall become effective July 1, 1991.

Approved February 11, 1991.

CHAPTER 8

FORMERLY

HOUSE BILL NO. 88
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2
AND SENATE AMENDMENT NOS. 2, 3, 5, 7 AND 8

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AN EARLY RETIREMENT OPTION FOR STATE EMPLOYEES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 29, Delaware Code by deleting Chapter 53 in its entirety and substituting in lieu thereof a new Chapter 53 to read as follows:

"CHAPTER 53. EARY RETIREMENT OPTION FOR STATE EMPLOYEES

Subchapter 1. General Provisions

§ 5301. Early Retirement Option.

(a) This Chapter provides a one-time Early Retirement Option to State employees covered under Chapter 55 of this Title who were employees as defined in Chapter 55 of this Title between December 1, 1990 and the effective date of this Act.

(b) Elected officials shall not be eligible for this Early Retirement Option for the pension they are entitled to receive under § 5527(d) of this Title.

(c) Except as provided hereinafter, employees who meet the eligibility requirements as contained in § 5306 and § 5307 of this Chapter must make their election to retire under this option on the following schedule:

(1) Eligible employees of the State Department of Public Instruction, a school district which is part of the State school system, the University of Delaware, Delaware State College, or Delaware Technical and Community College must make their elections between March 15, 1991 and April 19, 1991.

(2) All other eligible employees must make their elections between February 1, 1991 and March 15, 1991, however, all members of the Delaware National Guard or members of the U.S. Armed Forces Reserves who have been called to active duty must make their elections within 45 days of the date they are no longer on active duty.

(3) These elections must be made in a form approved by the Board of Pension Trustees and shall be irrevocable.

(4) If it is determined by the State Pension Administrator that an employee is or was unable to make this election in a timely manner due to circumstances beyond the employee's control, the Administrator may extend the time period for making the election beyond the periods specified in this subsection.

(5) In the event an eligible employee, prior to February 15, 1991, requests a computation of such employee's prospective pension benefit by the State Pension Administrator, the election required in subsections (d)(1) and (d)(2) of this Section need not be made until ten (10) days after the State Pension Administrator has provided the employee, in writing, the amount of the pension benefit said employee will be entitled to receive.

(d) Employees who elect the Early Retirement Option must terminate their employment on the following schedule:

(1) Except as provided hereinafter, employees who elect the option under (c)(1) of this Section, must terminate their employment on June 30, 1991 and their pensions will be effective July 1, 1991. Payment for unused sick and vacation pay for these employees will not be disbursed until after June 30, 1991.

(2) Except as provided hereinafter, employees who elect the option under (c)(2) of this Section, must terminate their employment on May 31, 1991 and their pensions will be effective June 1, 1991. Payment for unused sick and vacation pay for these employees will not be disbursed until after June 30, 1991.

(3) Employees of the State Pension Office who meet the eligibility requirements under §§5306 and 5307 of this Chapter and who elect the

Early Retirement Option will be eligible to retire under the option not earlier than December 31, 1991 nor later than December 31, 1992 unless an earlier date is approved by the State Pension Administrator.

(4) Employees who elect the Early Retirement Option and who are deemed to be essential to the normal operation of state government shall have their termination date extended up to twelve months provided such extension is approved unanimously in writing, by a committee, herein referred to as the 'Early Retirement Option Delayed Retirement Committee', comprised of the Director of State Personnel, the State Budget Director, and the Controller General.

(e) Employees who elect the Early Retirement Option under this Chapter shall be considered to have also been eligible, for purposes of computing their pensions under §5527 of this Title, to receive a service or disability pension under the provisions of Chapter 55 of this Title which were in effect immediately prior to the effective date of the 1976 Pension Act.

(f) No employee whose pension under Chapter 55 of this Title is effective prior to January 1, 1991 shall be eligible for the Early Retirement Option contained in this Chapter.

(g) Notwithstanding provisions of this Chapter to the contrary, employees who retire under the Early Retirement Option contained in this Chapter may contract with the State for personal services, as an independent contractor, for a period not to exceed twelve (12) months provided such contractual arrangement is approved unanimously, in writing, by the 'Early Retirement Option Delayed Retirement Committee' established by this Chapter.

(h) The Director of State Personnel shall submit to the Controller General, Budget Director and the Secretary of Finance by December 1, 1991, a report containing the specific disposition of each former employee electing retirement under the provisions of this act and the disposition of each position so vacated. This report shall continue to be submitted on or before every December 1 through calendar year 1994.

The content of said report shall be comprised of the State employment status of each individual electing retirement under the provisions of this act, the position number of the position so vacated, the disposition of the position (deleted, transferred, reclassified, etc.), the actual budgetary savings associated with the vacated position, the original funding source for the vacated position and the actual budgetary savings net of the full retirement cost associated with the retired individual. The accounting period for the preceding actual statistics will be the prior fiscal year.

Further, the report shall, for each affected position for the current fiscal year, estimate the budgetary savings net of the full retirement cost regardless of funding source.

§5302. Definitions.

(a) 'Employee' shall mean an individual who meets the definition of an employee as defined in § 5501(a), Chapter 55, Title 29, Delaware Code, which is in effect on the date this Chapter is enacted into law.

(b) 'Credited Service' shall mean, for any individual, service as defined in §5501(b), Chapter 55, Title 29, Delaware Code, except that the provisions contained in § 5501(b)(8), (9), (10), and (11), requiring that the payment for service purchased under these subsections be made prior to the issuance of his or her pension check, may be waived by the State Pension Administrator for any individual for a period not to exceed two (2) months if such waiver is deemed by the Pension Administrator to be necessary to carry out the provisions of this Chapter.

(c) For purposes of this Chapter, those individuals who must terminate employment on May 31, 1991 in accordance with § 5301(d)(2) of this Chapter, will receive credited service for the month of June 1991 in determining their eligibility for the Early Retirement Option provided by this Chapter but that service will not be used in determining the amount of their pension benefits.

(d) The definitions contained in § 5501(c), (d), (e), (f), (g), (h), and (i), Chapter 55, Title 29, Delaware Code which are in effect on the date this Act is enacted into law shall apply to this Chapter.

§ 5303. Employment of Pensioners.

(a) An individual shall not receive a service or disability pension under this Chapter for any month during which he or she is an employee as defined in § 5302(a) of this Chapter, nor may an individual receiving a service pension under this Chapter be an employee as defined in § 5302(a) of this Chapter for a period of five (5) years from the date of retirement under this Chapter, unless he or she is:

(1) An official elected by popular vote at a regular State election; or

(2) An official appointed by the Governor; or

(3) A temporary employee whose earnings from such temporary employment do not exceed the amount of earned income allowable by the United States Social Security Administration without affecting social security benefits. If a temporary employee does exceed the allowable earned income, his or her State pension shall be reduced using the same formula as used by the United States Social Security Administration to reduce social security benefits for such excess earnings.

(4) An individual who has retired under this Chapter or Chapter 55 of this Title and who has been rehired by the Pension Office to work on the implementation of the Early Retirement Program shall not be subject to the earnings limitation as contained in § 5303(a)(3) of this Chapter or §5502(a)(3) of Chapter 55 of this Title until December 31, 1991.

(b) An individual who has retired under this Chapter shall not contract with the State for personal services, as an independent contractor, for a period of five (5) years from the effective date of his or her retirement, unless he or she qualifies for one of the exceptions contained in (a)(1) through (a)(4) of this Section.

§5304. Attachment and Assignment of Benefits.

The benefits provided by this Chapter shall not be subject to attachment or execution and shall be payable only to the beneficiary designated and shall not be subject to assignment or transfer.

§5305. University of Delaware.

For persons employed by the University of Delaware, the provisions contained in § 5505, Chapter 55, Title 29, Delaware Code, which are in effect when this Act is enacted into law, shall apply to this Chapter.

Subchapter II. Eligibility Provisions

§5306. Eligibility for Service Pension.

In addition to the provisions of Subchapter I of this Chapter, an employee shall be eligible for the Early Retirement Option provided by this Chapter beginning with the month after he or she has terminated employment, if:

(a) He or she has fifteen (15) years of credited service under this Chapter as of June 30, 1991, exclusive of service credited under § 5501(b) (4), (5), and (12), Chapter 55 of this Title, and shall have attained age fifty (50) on or before June 30, 1991; or

(b) He or she has twenty-five (25) years of credited service under this Chapter as of June 30, 1991, exclusive of service credited under §5501(b) (4), (5), and (12), Chapter 55 of this Title, regardless of age.

§5307. Eligibility for Disability Pension.

In addition to the provisions of Subchapter I of this Chapter, an employee shall be eligible for the Early Retirement Option provided by this Chapter beginning with the month after he or she has terminated employment, if:

(a) He or she has fifteen (15) years of credited service under this Chapter as of June 30, 1991, exclusive of service credited under § 5501(b)(4), (5), and (12), Chapter 55 of this Title, and shall have attained age Fifty (50) on or before June 30, 1991; or

(b) He or she has twenty-five (25) years of credited service under this Chapter as of June 30, 1991, exclusive of service credited under § 5501(b)(4), (5), and (12), Chapter 55 of this Title, regardless of age.

(c) In addition to meeting the credited service and age requirements contained in subsections (a) and (b) of this Section, an employee must meet the requirements for a disability pension contained in §5524, Chapter 55, Title 29, Delaware Code and his termination from employment shall be governed by §5524(b), Chapter 55, Title 29, Delaware Code.

§5308. Payment of Service Pension.

Service pension payments shall be made to a retired employee for each month beginning with the month in which he or she becomes eligible to receive such pension and ending with the month in which he or she dies.

§5309. Payment of Disability Pension.

(a) Disability pension payments shall be made to a retired employee for each month beginning with the month in which he or she becomes eligible to receive such pension and ending with the month in which he or she ceases to be eligible or dies.

(b) Any disability pensioner who has not attained age Sixty (60) shall report to the Board by April 30 each year, in a form prescribed by the Board, his or her total earnings from any gainful occupation or business in the preceding calendar year. One-twelfth (1/12) of the excess of such earnings over one half (1/2) of the annual rate of compensation received by him or her before he or she became disabled shall be deducted from his or her disability pension during each of the twelve (12) months beginning in July of the year following the calendar year for which earnings are reported. If any person received a disability pension for less than twelve (12) months in the calendar year for which earnings are reported, the deduction, if any, shall be determined on a pro rata basis.

(c) Termination of a disability pension on account of recovery from disability shall not prejudice the right of the pensioner to qualify subsequently for a service pension or another disability pension.

§5310. Amount of Service or Disability Pension

(a) The amount of the monthly service or disability pension payable to a former employee shall be computed in accordance with the provisions of § 5527(a), (b), (c), (e), and (f), Chapter 55 of this Title except that five (5) years shall be added to his or her credited service for purposes of calculating the amount of the monthly pension; and

(b) The amount of monthly pension payable to a former employee for the first three (3) months of retirement shall be double the amount calculated in subsection (a) of this Section, but in no case shall such amount exceed 100% of his or her final compensation in the last month of actual employment. Thereafter, the monthly pension payable shall be the amount calculated pursuant to subsection (a) of this Section.

(c) Individuals eligible for the Early Retirement Option and whose pensions are effective prior to the dates specified in §5301(d) of this Chapter shall have their pensions computed in accordance with the provisions of §5527(a), (b), (c), (e), and (f), Chapter 55 of this Title without taking into consideration subsections (a) and (b) of this Section until such time as they would have terminated in accordance with §5301(d) of this Chapter. Then,

beginning with the month that their pensions would have been effective had they terminated in accordance with §5301(d) of this Chapter, their pensions shall be adjusted in accordance with subsections (a) and (b) of this Section.

§5311. Survivor's Pension.

For persons eligible for a survivor's pension, the provisions contained in §5528, Chapter 55 of this Title, which are in effect when this Act is enacted into law, shall apply to this Chapter, except that an individual who has elected the Early Retirement Option and whose death occurs prior to the date specified in § 5301(d) of this Chapter, shall have his or her pension computed in accordance with the provisions of §5310(c) of this Chapter, and eligible survivor or survivors shall receive a survivor's pension equal to Three-fourths (3/4) of the service pension for which the employee would have been eligible.

§5312. Application for Benefits.

The Board may require any employee, former employee, or eligible survivor to furnish such information as may be required for the determination of benefits under this Chapter, or to authorize the Board to procure such information including, but not limited to, information regarding benefits pursuant to the Federal Social Security Act [42 U.S.C. §301 et seq.]. The Board may withhold payment of any pension under this Chapter whenever the determination of such pension is dependent upon such information and the employee, former employee, or eligible survivor does not cooperate in the furnishing or procuring thereof.

§5313. Adjustment of Benefits.

Any pension that has been determined to have been incorrectly calculated after an individual begins receiving such pension shall be adjusted as follows:

(a) If an individual's pension is determined to be less than he or she is entitled to receive, it will be adjusted retroactively to the effective date of the pension.

(b) If an individual's pension is determined to be more than he or she is entitled to receive, it will be adjusted prospectively only.

(c) In no case shall a pension awarded under this Chapter which has been in effect for one (1) year be subject to reduction.

§5314. Board of Pension Trustees.

The Board of Pension Trustees, established by § 8308 of this Title, shall be responsible for the general administration of this Chapter in accordance with Chapter 83 of this Title.

§5315. Actuarial Valuations and Appropriations.

(a) The State appropriations to fund the benefits provided by this Chapter shall be deposited monthly into the State Employees' Retirement Fund established by § 5541, Chapter 55 of this Title.

(b) The State's appropriation to the Fund for the fiscal year 1991-92, and for each fiscal year thereafter, shall be the percentage of covered payroll approved by the Board on the basis of the actuarial valuation as of June 30, 1991, and shall be the payment required to amortize the added unfunded accrued liability over twenty-four (24) years from July 1, 1991. The amortization payment shall be an amount computed as a level percentage of the prospective total covered payroll to be determined on the basis of a growth rate of 4% per year, compounded annually.

§5316. Group Life Insurance.

Upon the death of an individual receiving a pension under this Chapter, the sum of $3,000 shall be paid from the State Employees' Retirement Fund

established by § 5541, Chapter 55 of this Title to his or her designated beneficiary or in the absence of a designated beneficiary, the amount of this benefit shall be paid to the deceased pensioner's estate."

Section 2. Amend § 5201(b), Chapter 52, Title 29, Delaware Code by striking the phrase "Chapter 55" as it appears therein and substituting in lieu thereof the phrase "Chapters 53 and 55".

Section 3. Amend § 8308(b) (3), Chapter 83, Title 29 Delaware Code by striking the phrase "Chapters 55 and 56" as it appears therein and substituting in lieu thereof the phrase "Chapters 53, 55, and 56".

Section 4. If any provision of this Act, or of any rule, regulation, or order thereunder, or the application of such provision to any person or circumstances shall be held to be invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation, or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 5. This Act shall become effective upon the signature of the Governor.

Approved February 1, 1991.

CHAPTER 9

FORMERLY

HOUSE BILL NO. 110

AN ACT TO AMEND TITLES 11, 5, 7, 23, 30, 21, 19, AND 3 OF THE DELAWARE CODE RELATING TO CERTAIN REVENUES OF THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend §1441(f), Title 11 of the Delaware Code by striking the symbol and figure "$3" as they appear therein and substitute in lieu thereof the symbol and figure "$3.45".

Section 2. Amend §1441(a), Title 11 of the Delaware Code by striking the symbols and figures "$17" and "$7" as they appear therein in paragraphs (4) and (5) of said subsection and substitute in lieu thereof, respectively, the symbols and figures "$19.55" and "$8.05".

Section 3. Amend §4208, Title 11 of the Delaware Code by striking the phrases "Ten thousand", "Five thousand", "Two thousand", and "Five hundred" and "One thousand" as they appear respectively in subsections (1), (2), (3), (4) and (5) of said subsection and substitute in lieu thereof, respectively, the symbols and figures "$11,500", "$5,750", "$2,300", "$575", and "$1,150".

Section 4. Amend §4208(6), Title 11 of the Delaware Code by striking the phrase "double" each time it appears in said section and substitute in lieu thereof the phrase "2.3 times".

Section 5. Amend §4206(b), Title 11 of the Delaware Code by striking the symbol and figure "$1,500" as they appear therein and substitute in lieu thereof the symbol and figure "$1,150".

Section 6. Amend §2310, Title 5 of the Delaware Code by striking the symbol and figure "$4" as they appear therein the substitute in lieu thereof the symbol and figure "$4.60".

Section 7. Amend §735, Title 5 of the Delaware Code by striking the symbol and figure "$10", as they appear in subsections (1) and (2) of said section and the symbol and figure "$5" as they appear in subsections (3) and (4) of said section and substitute in lieu thereof, respectively, the symbols and figures "$11.50" and "$5.75".

Section 8. Amend §2408(a), Title 7 of the Delaware Code by striking the symbol and figure "$50" as they appear therein and substitute in lieu thereof the symbol and figure "$57.50".

Section 9. Amend §2303(a), Title 7 of the Delaware Code by striking the symbols and figures "$250", "$500", "$750", and "$1,000" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$287.50", "$575", "$862.50" and "$1,150".

Section 10. Amend §2113(b), Title 23 of the Delaware Code by striking the symbol and figure "$2" as they appear therein and substitute in lieu thereof the symbol and figure "$2.30".

Section 11. Amend §2113(e), Title 23 of the Delaware Code by striking the symbol and figure "$5" as they appear therein and substitute in lieu thereof the symbol and figure "$5.75".

Section 12. Amend §5211(b), Title 30 of the Delaware Code by striking the symbols and figures "$100", "$300", and "$500" each time they appear in paragraph (1) of said subsection and substitute in lieu respectively the symbols and figures "$115", "$345" and "$575".

Section 13. Amend §5215, Title 30 of the Delaware Code by striking the symbol and figure "$500" as they appear therein and substitute in lieu thereof the symbol and figure "$575".

Section 14. Amend §5211(d), Title 30 of the Delaware Code by striking the symbol and figure "15%" as they appear therein and substitute in lieu thereof the symbol and figure "18%".

Section 15. Amend §2756(a), Title 21 of the Delaware Code by striking the symbols and figures "$100", "$200", "$500", and "$1,000" each time they appear in said subsection, and substitute in lieu thereof, respectively, the symbols and figures "$115", "$230", "$575", and "$1,150".

Section 16. Amend §2756(b), Title 21 of the Delaware Code by striking the symbol and figure "$500" as they appear therein and substitute in lieu thereof the symbol and figure "$575".

Section 17. Amend §2757(a), Title 21 of the Delaware Code by striking the symbols and figures "$100", and "$200" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$115" and "$230".

Section 18. Amend §2814, Title 21 of the Delaware Code by striking the symbols and figures "$100" and "$1,000" as they appear therein and substitute in lieu thereof, respectively, the symbol and figure "$115" and "$1,150".

Section 19. Amend §2971, Title 21 of the Delaware Code by striking the symbol and figure "$500" each time they appear therein and substitute in lieu thereof the symbol and figure "$575".

Section 20. Amend §3108(a), Title 21 of the Delaware Code by striking the symbols and figures "$100" and "$200" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$115" and "$230".

Section 21. Amend §4103(b), Title 21 of the Delaware Code by striking the symbols and figures "$500", "$2,000", "$1,000" and "$3,000" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$575", "$2,000", "$1,150" and "$3,450".

Section 22. Amend §4105(e), Title 21 of the Delaware Code by striking the symbols and figures "$100" and "$500" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$115" and "$575".

Section 23. Amend §4112, Title 21 of the Delaware Code by striking the symbols and figures "$50", "$200", "$100" and "$400" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$57.50", "$230", "$115" and "$460".

Section 24. Amend §4123(b), Title 21 of the Delaware Code by striking the symbols and figures "$25", "$200", "$50", and "$500" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$28.75", "$230", "$57.50" and "$575".

Section 25. Amend §4126(b), Title 21 of the Delaware Code by striking the symbol and figures "$100" as they appear therein and substitute in lieu thereof the symbol and figure "$115".

Section 26. Amend §4127(b), Title 21 of the Delaware Code by striking the symbols and figures "$5" and "$25" and substitute in lieu thereof, respectively, the symbols and figures "$5.75" and "$28.75".

Section 27. Amend §4146(f), Title 21 of the Delaware Code by striking the symbol and figure "$25" the first time said symbol and figure appears in said subsection and substitute in lieu thereof the symbol and figure "$28.75".

Section 28. Amend §4148(b), Title 21 of the Delaware Code by striking the symbols and figures "$2", "$25", and "$10" each time they appear in said subsection and substitute in lieu thereof, respectively, the symbols and figures "$2.30", "$28.25", and "$11.50".

Section 29. Amend §4166(i), Title 21 of the Delaware Code by striking the symbols and figures "$100", "$200" and "$500" each time they appear in said subsection and substitute in lieu thereof, respectively, the symbols and figures "$115", "$230" and "$575".

Section 30. Amend §4172A(d), Title 21 of the Delaware Code by striking the symbols and figures "$25", "$200", "$50" and "$400" as they appear therein and

substitute in lieu thereof, respectively, the symbols and figures "$28.75", "$230", "$57.50" and "$460.00".

Section 31. Amend §4176(c), Title 21 of the Delaware Code by striking the symbols and figures "$100" and "$200" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$115" and "$230".

Section 32. Amend §4177(d), Title 21 of the Delaware Code by striking the symbols and figures "$200", "$1,000", "$500" and "$2,000" each time they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$230", "$1,150", "$575", and "$2,300".

Section 33. Amend §4177E(c), Title 21 of the Delaware Code by striking the symbols and figures "$25" and "$200" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$28.75" and "$230".

Section 34. Amend §4181(c), Title 21 of the Delaware Code by striking the symbols and figures "$10" and "$25" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$11.50" and "$28.75".

Section 35. Amend §4188(c), Title 21 of the Delaware Code by striking the symbols and figures "$25" and "$100" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$28.75" and "$115".

Section 36. Amend §4189(g), Title 21 of the Delaware Code by striking the symbols and figures "$100" and "$250" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$115" and "$287.50".

Section 37. Amend §4189(h), Title 21 of the Delaware Code by striking the symbols and figures "$400", "$600", and "$1,000" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$460", "$690", "$575", and "$1,150".

Section 38. Amend §4199C(c), Title 21 of the Delaware Code by striking the symbol and figure "$25" as they appear therein and substitute in lieu thereof the symbol and figure "$28.75".

Section 39. Amend §4202(b), Title 21 of the Delaware Code by striking the symbols and figures "$100" and "$5,000" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$115" and "$5,750".

Section 40. Amend §4205(a), Title 21 of the Delaware Code by striking the symbols and figures "$100", "$50", and "$200" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$115", "$57.50" and "$230".

Section 41. Amend §4315(a), Title 21 of the Delaware Code by striking the symbols and figures "$100", "$50", and "$200" each time they appear in said subsection and substitute in lieu thereof, respectively, the symbols and figures "$115", "$57.50" and "$230".

Section 42. Amend §4315(b), Title 21 of the Delaware Code by striking the symbol and figure "$25" each time they appear in said subsection and substitute in lieu thereof the symbol and figure "$28.75".

Section 43. Amend §4315(c), Title 21 of the Delaware Code by striking the symbol and figure "$25" as they appear therein and substitute in lieu thereof the symbol and figure "$28.75".

Section 44. Amend §4317(f), Title 21 of the Delaware Code by striking the symbol and figure "$25" each time they appear therein and substitute in lieu thereof in each instance the symbol and figure "$28.75".

Section 45. Amend §4318(b), Title 21 of the Delaware Code by striking the symbols and figures "$10", "$100", "$50" and "$200" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$11.50", "$115", "$57.50", and "$230".

Section 46. Amend §4358, Title 21 of the Delaware Code by striking the symbol and figure "$25" as they appear therein and substitute in lieu thereof the symbol and figure "$28.75".

Section 47. Amend §4371(b), Title 21 of the Delaware Code by striking the symbol and figure "$25" as they appear therein and substitute in lieu thereof the symbol and figure "$28.75".

Section 48. Amend §4372, Title 21 of the Delaware Code by striking the symbol and figure "$100" as they appear therein and substitute in lieu thereof the symbol and figure "$115".

Section 49. Amend §4373(b), Title 21 of the Delaware Code by striking the symbol and figure "$50" as they appear therein and substitute in lieu thereof the symbol and figure "$57.50".

Section 50. Amend §4387, Title 21 of the Delaware Code by striking the symbols and figures "$50" and "$500" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$57.50" and "$575".

Section 51. Amend §4414(a), Title 21 of the Delaware Code by striking the symbols and figures "$25" and "$100" each time they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$28.75" and "$115".

Section 52. Amend §4508(a), Title 21 of the Delaware Code by striking the symbols and figures "$25", "$200", "$100" and "$500" and substitute in lieu thereof, respectively, the symbols and figures "$28.75", "$230", "$115", and "$575".

Section 53. Amend §4508(b), Title 21 of the Delaware Code by striking the phrases "2 cents", "5 cents", and "10 cents" each time said phrases appear therein and substitute in lieu thereof, respectively, the phrases "2.3 cents", "5.75 cents", and "11.5 cents".

Section 54. Amend §4603, Title 21 of the Delaware Code by striking the symbol and figure "$2,000" as they appear therein and substitute in lieu thereof the symbol and figure "$2,300".

Section 55. Amend §4709(a), Title 21 of the Delaware Code by striking the symbols and figures "$25", "$100" and "$500" each time they appear in said subsection and substitute in lieu thereof, respectively, the symbols and figures "$28.75", "$115", and "$575".

Section 56. Amend §6306(a), Title 21 of the Delaware Code by striking the symbols and figures "$25" and "$500" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$28.75" and "$575".

Section 57. Amend §6521, Title 21 of the Delaware Code by striking the symbols and figures "$10", "$100", "$25" and "$200" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$11.50", "$115", "$28.75" and "$230".

Section 58. Amend §6702(b), Title 21 of the Delaware Code by striking the symbols and figures "$100", "$500" and "$200" and substitute in lieu thereof, respectively, the symbols and figures "$115", "$575" and "$230".

Section 59. Amend §6707(a), Title 21 of the Delaware Code by striking the symbols and figures "$25", "$100", and "$200" each time they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$28.75", "$115" and "$230".

Section 60. Amend §6704, Title 21 of the Delaware Code by striking the symbols and figures "$500" and "$5,000" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$575" and "$5,750".

Section 61. Amend §6705(g), Title 21 of the Delaware Code by striking the symbols and figures "$50", "$500" and "$5,000" each time they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$57.50", "$575" and "$5,750".

Section 62. Amend §6831, Title 21 of the Delaware Code by striking the symbols and figures "$10" and "$300" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$11.50" and "$345".

Section 63. Amend §6811(b), Title 21 of the Delaware Code by striking the symbols and figures "$50" and "$500" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$57.50" and "$575".

Section 64. Amend §7001(f), Title 21 of the Delaware Code by striking the symbols and figures "$10" and "$25" as they appear therein and substitute in lieu thereof, respectively, the symbols and figures "$11.50" and "$28.75".

Section 65. Amend §8308, Title 21 of the Delaware Code by striking the symbol and figure "$100" as they appear therein and substitute in lieu thereof the symbol and figure "$115".

Section 66. Amend §2391(b), Title 19 of the Delaware Code by striking the symbol and figure "3%" as they appear therein and substitute in lieu thereof the symbol and figure "2%".

Section 67. Amend §2391(c)(1), Title 19 of the Delaware Code by striking the symbol and figure "$3" as they appear therein and substitute in lieu thereof the symbol and figure "$2".

Section 68. Amend §3114, Title 3 of the Delaware Code by striking the symbol and figure "$1.50" as they appear therein and substitute in lieu thereof the symbol and figure "$1.75".

Section 69. Amend §10046, Title 3 of the Delaware Code by striking the symbols and figures "$500" and "$10,000" as they appear therein and substitute in lieu thereof the symbols and figures respectively "$575" and "$11,500".

Section 70. Amend §10047(a), Title 3 of the Delaware Code by striking the symbol and figure "$25,000" and substitute in lieu thereof the symbol and figure "$28,750".

Section 71. Amend §5211(a), Title 30 of the Delaware Code by striking the symbol and figure "$11.50" the first time they appear in said subsection and substitute in lieu thereof the symbol and figure "$10".

Section 72. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Approved February 8, 1991.

CHAPTER 10

FORMERLY

SENATE BILL NO. 31

AN ACT TO AMEND AN ACT BEING CHAPTER 457, VOLUME 60, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILLSBORO" TO PERMIT THE SALE OF BONDS BY PUBLIC OR PRIVATE SALE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Subsection (9), Section 34(a), Chapter 457, Volume 60, Laws of Delaware, as amended, be and the same is hereby further amended by striking out all of the said Subsection (9) and substituting in lieu thereof a new Subsection (9) to read as follows:

"(9) The bonds may be sold at either public or private sale. If it is determined to sell the bonds at public sale, the bonds shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be prescribed by the Town Council."

Approved February 8, 1991.

CHAPTER 11

FORMERLY

SENATE BILL NO. 37

AN ACT TO AMEND AN ACT, BEING CHAPTER 276, VOLUME 65, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF GEORGETOWN" TO INCREASE THE MUNICIPALITY'S INDEBTEDNESS LIMITATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Paragraph 36, Subsection 1, Section 30, Chapter 276, Volume 65, Laws of Delaware, as amended by Chapter 74, Volume 67, Laws of Delaware, be and the same is hereby amended by deleting the words, "thirty-five percent (35%)" in the eighth line of said paragraph and by inserting therein the words, "forty percent (40%)".

Section 2. Subsection (b), Section 34, Chapter 276, Volume 65, Laws of Delaware, as amended by Chapter 74, Volume 67, Laws of Delaware, be and the same is hereby amended by deleting the words, "thirty-five percent (35%)" in the second line of said subsection and by inserting therein instead the words, "forty percent (40%)".

Approved February 8, 1991.

CHAPTER 12

FORMERLY

SENATE BILL NO. 41

AN ACT APPROVING AND VALIDATING ALL ACTIONS TAKEN BY THE CAPITAL SCHOOL DISTRICT RELATING TO AUTHORIZATION OF THE ISSUANCE OF BONDS FOR A SCHOOL CONSTRUCTION PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Notwithstanding any other provision of law to the contrary, the General Assembly hereby approves and validates all actions taken by the Capital School District, a school district of the State of Delaware, acting by and through its Board of Education, related to the special election held on May 8, 1990 which provided the school district with the authority to issue bonds in the aggregate amount of $464,000 for the purpose of financing a school construction program.

Approved February 8, 1991.

CHAPTER 13

FORMERLY

SENATE BILL NO. 46

AN ACT AUTHORIZING THE ISSUANCE OF OBLIGATIONS OF THE STATE OF DELAWARE TO FUND ADULT CORRECTIONAL FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE QUARTERS OF ALL MEMBERS ELECTED TO EACH HOUSE THEREOF CONCURRING THEREIN):

Section 1. Authorization of Twenty Year Bonds. The State hereby authorizes the issuance of up to Fifty Million Dollars ($50,000,000) of bonds to which the State shall pledge its full faith and credit, the proceeds of which shall be used, and are hereby appropriated, for the adult correctional facilities described in Chapters 440 and 441, Volume 67, Delaware Laws, including the costs of design and planning, acquisition, construction, equipping, interest during construction, credit enhancement and any other costs of the facilities or the issuance of the bonds or any temporary construction financing. The bonds shall mature in not more than twenty years from their date of issuance.

Section 2. Interim Construction Financing. In anticipation of the issuance of such bonds, the issuing officers may issue and sell temporary notes or other obligations of the State or may enter into a line of credit or similar arrangement with a financial institution to provide interim construction financing; in any case any such interim financing obligation to contain the pledge of the State's full faith and credit.

Section 3. Method and Terms of Sale. The bonds and other obligations authorized by this Act shall be sold at public or private sale upon such terms and conditions as the issuing officers shall determine.

Section 4. Other Security Arrangements Permitted. In the discretion of the issuing officers, in lieu of the State's full faith and credit, the bonds and other obligations authorized by this Act may be issued without the pledge of the State's full faith and credit and may instead be secured by a pledge of annual appropriations and/or by a mortgage on or other security interest in the facilities financed.

Section 5. Obligations not subject to 75% Rule. The bonds and other obligations authorized by this Act shall not be subject to, and shall not be counted against, the authorization limit contained in Title 29 Delaware Code Section 7423.

Section 6. Effective Date. This Act shall become effective upon its adoption in accordance with law.

Approved February 11, 1991.

CHAPTER 14

FORMERLY

SENATE BILL NO. 47

AN ACT AMENDING CHAPTER 54, TITLE 30, DELAWARE CODE RELATING TO REALTY TRANSFER TAX REVENUE BONDS IN SUPPORT OF THE CONSERVATION TRUST FUND; AUTHORIZING THE ISSUANCE OF REALTY TRANSFER TAX REVENUE BONDS; AND PROVIDING FOR THE USE OF CERTAIN BOND PROCEEDS FOR GREENWAYS

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three quarters of all members elected to each House thereof concurring therein):

Section 1. Amend §5423(e)(2), Chapter 54, Title 30, Delaware Code to add the following new subparagraph c. :

"c. All earnings on realty transfer tax revenues on deposit in the Revenue Account, prior to the time of being set aside to pay debt service or to satisfy debt service reserve requirements or prior to being deposited into the Earnings Account, the Endowment Account or the Project Account, as provided herein, shall be paid to the General Fund."

Section 2. Amend §5423(e)(4), Chapter 54, Title 30, Delaware Code to delete said paragraph and to substitute in its place the following:

"(4) After the amount in the Endowment Account equals $50 million or on July 1, 2005, whichever occurs sooner, no further deposits shall be made into the Endowment Account, the Project Account or the Earnings Account under this subsection (e)."

Section 3. Amend §5424(a), Chapter 54, Title 30, Delaware Code to delete the first sentence thereof and to substitute in its place the following:

"(a) The issuing officers may issue revenue bonds of the State to provide funds to achieve the purposes of this Subchapter, including funds necessary to provide for reserves, interest on bonds for up to one year, credit enhancement and transaction costs."

Section 4. Amend §5424(j), Chapter 54, Title 30, Delaware Code to delete said subsection and to substitute in its place the following:

"(j) It is the intent of the General Assembly that $50 million of revenue bonds shall be issued for the purposes of this Subchapter provided that the total aggregate principal amount of bonds which may be issued pursuant to this Subchapter may not exceed $50 million and the total aggregate principal amount of such bonds which may be issued in any two consecutive fiscal years of the State may not exceed $15 million. In addition, the total amount of debt service payments in any fiscal year with respect to all bonds issued pursuant to this Subchapter and outstanding at any one time (net of estimated investment earnings on reserves which are to be applied to pay such debt service) may not exceed 20% of the Base Amount."

Section 5. Amend §5424(c), Chapter 54, Title 30, Delaware Code to delete the phrase "zero fund requirements" as it appears in said subsection, and to substitute in its place the phrase: "zero coupon or capital appreciation bonds, sinking fund or reserve fund requirements".

Section 6. Amend §5425, Chapter 54, Title 30, Delaware Code to delete the first sentence thereof and to substitute in its place the following:

"All taxes received under this Chapter, net of any commission and expenses paid pursuant to §5406 of this title, and net of any refunds and interest paid under §5413 of this title, shall be deposited in the Revenue Account of the Conservation Trust Fund established under this Subchapter and applied for the purposes specified herein."

Section 7. Authorization of Revenue Bonds. Pursuant to Subchapter II, Chapter 54, Title 30, Delaware Code, the General Assembly hereby authorizes bonds for the conservation program described in Volume 65, Chapter 212 of Delaware Laws not to exceed the sum of Thirty Five Million Dollars ($35,000,000). The proceeds of said bonds, together with the proceeds of up

to an additional Fifteen Million Dollars ($15,000,000) of bonds which were authorized by Section 12 of Volume 67, Chapter 285 of Delaware Laws, are hereby appropriated for said conservation purposes. The second sentence of Section 12(b) of Volume 67, Chapter 285 of Delaware Laws (relating to the use of bond proceeds for greenways) is hereby repealed.

Section 8. Notwithstanding Subchapter II, Chapter 54, Title 30, Delaware Code, up to Two Million Dollars ($2,000,000) of the Fifteen Million Dollars ($15,000,000) in bond proceeds which were authorized by Section 12 of Volume 67, Chapter 285 of Delaware Laws shall be used for greenways, as described in Section 44 of Volume 67, Chapter 285 of Delaware Laws; provided, however, that no more than One Million Dollars ($1,000,000) of such proceeds may be so used in any single year.

Section 9. This Act shall be effective upon its enactment in accordance with law.

Approved February 11, 1991.

CHAPTER 15

FORMERLY

SENATE BILL NO. 12
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO THE HUNTING OF RED FOXES.

WHEREAS, the number of red foxes is such that in many localities in the State of Delaware they are becoming pests and are destructive of small game and domestic animals; and

WHEREAS, a substantial risk of damage to farm machinery is created by the den holes of red foxes; and

WHEREAS, although the red fox is a noble predator possessing superior instincts, overpopulation of the red fox in many areas of Delaware has resulted in an extremely poor health condition of the red fox, with reported cases of canine distemper, parvo-virus, sarcoptic mange, and rabies; and

WHEREAS, the periodic harvesting of red fox will provide a service to the specie and to the citizens of Delaware.

NOW, THEREFORE:
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §793, Chapter 7, Title 7, Delaware Code, by striking the period "." at the end of the first sentence ending with the words "red fox" and inserting the following:

", except that red foxes may be shot in New Castle County commencing at the Chesapeake and Delaware Canal and thence proceeding in a southerly direction to embrace the remainder of New Castle County thence proceeding southerly to include Duck Creek Hundred in Kent County from November 1 through December 31 provided, however, no red fox may be shot during time when it is lawful to take deer with a firearm; provided, further, however, no red fox may be shot that are being pursued by a pack of hounds; provided further, however, no person shall take or kill, in any one day, more than four red foxes."

Section 2. Amend §703 of Chapter 7, Title 7, Delaware Code by striking the period '.' immediately following the word "dogs" and inserting the following:

", except that a red fox may be shot in New Castle County commencing at the Chesapeake and Delaware Canal and thence proceeding in a southerly direction to embrace the remainder of New Castle County, thence proceeding southerly to include Duck Creek Hundred in Kent County from November 1 through December 31; provided, however, no red fox may be shot during a time when it is lawful to take deer with a firearm; provided further, however, red fox may not be shot that are being pursued by a pack of hounds; provided further, however, no person shall take or kill, in any one day, more than four red foxes."

Approved March 28, 1991.

CHAPTER 16

FORMERLY

HOUSE BILL NO. 53

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO REPLACEMENT OF THE COUNCIL PRESIDENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 9, Chapter 158, Volume 36, Laws of delaware, as amended by Chapter 147, Volume 61, Laws of Delaware, by adding a new paragraph after the third paragraph thereof to read as follows:

"In the event of absence of the Council President, then the senior member of Council, in terms of length of service as a Councilman, shall assume the duties of the Council President, and shall be designated Council President Acting. In the event that two or more members of Council have the same seniority in terms of length of service as a Councilman, then the members of Council shall vote and elect one of those as Council President Acting. Council President Acting shall fulfill all of the duties and responsibilities of Council President during his period of unavailability or absence."

Approved March 28, 1991.

CHAPTER 17

FORMERLY

HOUSE BILL NO. 90

AN ACT TO AMEND AN ACT BEING CHAPTER 288, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF LAUREL" TO CHANGE THE FISCAL YEAR AND TO MAKE OTHER CHANGES FOR FIXING OF THE BUDGET NECESSITATED BY THE CHANGE IN THE FISCAL YEAR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 24, Chapter 288, Volume 64, Laws of Delaware, as amended, by striking the word "August" as it appears in said Section and substituting in lieu thereof the word "May".

Section 2. Amend Subsection (a), Section 29, Chapter 288, Volume 64, Laws of Delaware, as amended, by striking all of said Subsection (a) and substituting in lieu thereof a new Subsection (a), to read as follows:

(a) The fiscal year for The Town of Laurel shall

be from July 1 of one year to June 30 of the next

succeeding year.

Section 3. Amend Subsection (b), Section 29, Chapter 288, Volume 64, Laws of Delaware, as amended, by striking the word "August" as it appears in said Subsection and substituting in lieu thereof the word "May".

Approved March 28, 1991.

CHAPTER 18

FORMERLY

HOUSE BILL NO. 115

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO CREATION OF AN ELECTION BOARD AND COUNCIL APPOINTMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 8, Chapter 158, Volume 36, Laws of Delaware, as amended, by striking the first sentence in paragraph 2 and by inserting the following sentence in its place:

"All elections shall be held by an Election Board which shall consist of the Alderman and the necessary number of Election Board members as determined and designated by the Election Board."

Section 2. Amend Section 9, Chapter 158, Volume 36, Laws of Delaware, as amended, by striking the last sentence in the last paragraph thereof and by inserting the following sentence in its place:

"The Mayor, upon recommendation from the Council President, will present Council appointments for Council approval."

Approved March 28, 1991.

CHAPTER 19

FORMERLY

SENATE BILL NO. 74

AN ACT TO AMEND VOLUME 67, CHAPTER 335, LAWS OF DELAWARE, MAKING AN APPROPRIATION AND AUTHORIZING POSITIONS FOR THE DELAWARE HEALTH CARE COMMISSION AND RELATED PROGRAMS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, ETC.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Volume 67, Chapter 335, Laws of Delaware, by striking line 4 of Section 8, and inserting in lieu thereof the following:

"age 1 from 133% to 160% of the federal poverty level; increasing fees for physicians who care for pregnant women and children; providing enhanced Medicaid services"

Approved March 28, 1991.

CHAPTER 20

FORMERLY

HOUSE BILL NO. 52
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO THE CIVILIAN PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 3, Chapter 158, Volume 36, Laws of Delaware, by deleting the last sentence in Paragraph 2 of Section 3 in its entirety and by substituting in lieu thereof the following sentence:

"The participation in any plan adopted shall be deemed mandatory by the City of Dover and made a condition of employment and continuing employment."

Section 2. This Act shall only apply to employees whose employment begins on or after the effective date of this Act.

Approved April 4, 1991.

CHAPTER 18

FORMERLY

HOUSE BILL NO. 115

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO CREATION OF AN ELECTION BOARD AND COUNCIL APPOINTMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 8, Chapter 158, Volume 36, Laws of Delaware, as amended, by striking the first sentence in paragraph 2 and by inserting the following sentence in its place:

"All elections shall be held by an Election Board which shall consist of the Alderman and the necessary number of Election Board members as determined and designated by the Election Board."

Section 2. Amend Section 9, Chapter 158, Volume 36, Laws of Delaware, as amended, by striking the last sentence in the last paragraph thereof and by inserting the following sentence in its place:

"The Mayor, upon recommendation from the Council President, will present Council appointments for Council approval."

Approved March 28, 1991.

CHAPTER 19

FORMERLY

SENATE BILL NO. 74

AN ACT TO AMEND VOLUME 67, CHAPTER 335, LAWS OF DELAWARE, MAKING AN APPROPRIATION AND AUTHORIZING POSITIONS FOR THE DELAWARE HEALTH CARE COMMISSION AND RELATED PROGRAMS OF THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, ETC.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Volume 67, Chapter 335, Laws of Delaware, by striking line 4 of Section 8, and inserting in lieu thereof the following:

"age 1 from 133% to 160% of the federal poverty level; increasing fees for physicians who care for pregnant women and children; providing enhanced Medicaid services"

Approved March 28, 1991.

CHAPTER 20

FORMERLY

HOUSE BILL NO. 52
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 158, VOLUME 36, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT CHANGING THE NAME OF 'THE TOWN OF DOVER' TO 'THE CITY OF DOVER' AND ESTABLISHING A CHARTER THEREFOR" RELATING TO THE CIVILIAN PENSION PLAN.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 3, Chapter 158, Volume 36, Laws of Delaware, by deleting the last sentence in Paragraph 2 of Section 3 in its entirety and by substituting in lieu thereof the following sentence:

"The participation in any plan adopted shall be deemed mandatory by the City of Dover and made a condition of employment and continuing employment."

Section 2. This Act shall only apply to employees whose employment begins on or after the effective date of this Act.

Approved April 4, 1991.

CHAPTER 21

FORMERLY

SENATE BILL NO. 84
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14 AND TITLE 29 RELATING TO LEAVE OF ABSENCE FOR MILITARY SERVICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1327, Chapter 13, Title 14 of the Delaware Code by redesignating subsection (b) as subsection (d) and inserting a new subsection (b) and (c) to read as follows:

"(b) During said leave of absence resulting from Operation Desert Shield/Storm, such principal, teacher or other employee at a school district shall continue to receive his/her state compensation during the initial period of active duty prescribed by the military to be reduced by any military compensation received.

(c) For the purpose of subsection (b) state compensation shall be limited to the state share of the base salary as calculated from the appropriate salary schedule, administrative supplements and all other stipends. Military compensation shall include base salary, basic allowance for quarters (BAQ), basic allowance for subsistence (BAS), hazardous duty pay and all other supplemental compensation multiplied by the ratio of state compensation to total compensation."

Section 2. Amend Section 5105, Chapter 51, Title 29 of the Delaware Code by redesignating subsections (b) and (c) as subsections (d) and (e) and inserting a new subsection (b) and (c) to read as follows:

"(b) During said leave of absence resulting from Operation Desert Shield/Storm, such employee shall continue to receive his/her state compensation during the initial period of active duty prescribed by the military to be reduced by any military compensation received.

(c) For the purpose of subsection (b) state compensation shall be limited to base salary. Military compensation shall include base salary, basic allowance for quarters (BAQ), basic allowance for subsistence (BAS), hazardous duty pay and all other supplemental compensation."

Section 3. Amend Section 5105(c) Title 29, Delaware Code by deleting the phrase "(b) and (c)" and inserting in lieu thereof the phrase "(b), (c), (d) and (e)."

Section 4. The Office of State Personnel shall develop any rules and regulations necessary to implement the provisions of this legislation. These rules shall make it the responsibility of the employee to initiate the claim and supply the required military pay information. The state is responsible for collecting information relating to state compensation. Claims must be filed within 90 days of release from active duty or passage of this legislation, whichever is later.

Section 5. This act shall be effective retroactively to August 1, 1990.

Approved April 9, 1991.

CHAPTER 22

FORMERLY

HOUSE BILL NO. 121
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 3, TITLE 30 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION OF TAX LAWS IN THE EVENT OF SERVICE IN A COMBAT ZONE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 3, Title 30 of the Delaware Code by adding thereto a new §376 to read as follows:

"§376. Time for performing certain acts postponed by reason of service in combat zone.

(a) In the case of an individual serving in the Armed Forces of the United States, or serving in support of such Armed Forces, in an area designated by the President of the United States by Executive Order as a 'combat zone' for purposes of §112 of the Internal Revenue Code, at any time during the period designated by the President by Executive Order as the period of combatant activities in such zone for purposes of such section, or hospitalized as a result of injury received while serving in such an area during such time, the period of service in such area, plus the period of continuous hospitalization attributable to such injury, and the next 195 days thereafter, shall be disregarded in determining under this title (other than Chapters 30, 51 and 52), in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax) of such individual --

(1) Whether any of the following acts was performed within the time prescribed therefor:

a. Filing any return of income, estate, inheritance or gift tax (except income tax withheld at source);

b. Payment or any income, estate, inheritance or gift tax (except income tax withheld at source) and or any installment thereof or any other liability to the State of Delaware in respect thereof;

c. Filing a protest with the Director of Revenue or filing a petition with the Tax Appeal Board to appeal a determination of the Director or filing an appeal of a decision rendered by the Tax Appeal Board;

d. Allowance of a credit or refund of any tax;

e. Filing a claim for credit or refund of any tax;

f. Assessment of any tax;

g. Giving or making any notice or demand for the payment of any tax, or with respect to any liability to the State of Delaware in respect of any tax;

h. Collection of the amount of any liability in respect of any tax;

i. Bringing suit or commencing any action, including the filing of any certificate or warrant, by the State or any officer on its behalf, in respect of any liability in respect of any tax; and

j. Any other act required or permitted under this title (other than Chapters 30, 51 and 52) specified in regulations prescribed under this section by the Director of Revenue;

(2) The amount of any credit or refund (including interest).

(b) The provisions of this section shall also apply to the spouse of any individual entitled to the benefits of subsection (a). Except in the case of the combat zone designated for purposes of the Vietnam conflict, the preceding sentence shall not cause this section to apply to any spouse for any taxable year beginning more than 2 years after the date designated under the Internal Revenue Code as the date of termination of combatant activities in a combat zone.

(c) The period of service in the area referred to in subsection (a) shall include the period during which an individual entitled to benefits under subsection (a) is in a missing status, within the meaning of Section 6013(f)(3) of the Internal Revenue Code, or successor provision.

(d) Exceptions --

(1) Notwithstanding the provisions of subsection (a), any action or proceeding authorized by §§1220 and 1221 of this title or successor provisions (regardless of the taxable year for which the tax arose), as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the Director of Revenue determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (a) shall not operate to stay collection of such amount as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this paragraph the amount of interest, penalty, additional amount, and addition to tax, if any, in respect of the period disregarded under subsection (a). In any case to which this paragraph relates, if the Director of Revenue is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the Director is in any area for which United States post offices under instructions of the Postmaster General are not, by reason of combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) The assessment or collection of any tax or of any liability to the State in respect of any tax, or any action or proceeding by or on behalf of the State in connection therewith, may be made, taken, begun, or prosecuted in accordance with law, without regard to the provisions of subsection (a), unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (a)."

Section 2. This Act shall be effective upon enactment into law.

Approved April 9, 1991.

CHAPTER 23

FORMERLY

HOUSE BILL NO. 13

AN ACT TO AMEND CHAPTER 102, TITLE 29 OF THE DELAWARE CODE RELATING TO THE FINAL REPORT OF THE JOINT SUNSET COMMITTEE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §10212, Chapter 102, Title 29 of the Delaware Code by striking the first sentence of subsection (a), and substituting in lieu thereof the following:

"(a) On or before May 30 of the calendar year in which an agency under review is automatically terminated in accordance with this chapter, the Committee shall present its final report to the General Assembly and to the Governor."

Approved April 22, 1991.

CHAPTER 24

FORMERLY

SENATE BILL NO. 11
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 28, TITLE 24 OF THE DELAWARE CODE RELATING TO PROFESSIONAL ENGINEERS AND THE PRACTICE OF ENGINEERING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2807, Title 24 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof the following:

"§2807. Council of Delaware Association of Professional Engineers.

(a) There shall be a Council which will be the governing board of the Association. The Council shall consist of 15 voting members, 12 of whom shall be elected, and 3 of whom shall be appointed by the Governor. The immediate past president, if not an elected member of Council, shall be a non-voting member of Council. A quorum of the Council shall be a majority of the voting members of the Council.

(b) The 12 elected members shall be elected and hold office on the basis of the following constituencies:

(1) One shall be from each of the following 5 engineering disciplines: civil, chemical, electrical, mechanical and any other;

(2) One shall be from each of the following fields of employment: government, industry, private consulting practice and education; and

(3) One shall be from each of the 3 counties: New Castle, Kent and Sussex.

(c) Of the three appointed members, one shall be from each of the three counties: New Castle, Kent and Sussex.

(d) A person elected as a Council member shall, at the time of election, and during the term of office, be a citizen of the United States of America, a resident of the State, a member of the Association and be qualified to represent the constituency from which the person was elected.

A person appointed as a Council member shall, at the time of appointment, and during the term of office, be a citizen of the United States of America and a resident of the State and of the county for which the appointment is designated.

(e) The term of office for members of Council shall, unless otherwise specified, be four (4) years. A member of Council, whether appointed or elected, may not serve more than two (2) consecutive terms on the Council.

(f) Three (3) members of Council shall be elected each year for a four (4) year term to fill vacancies in the field of discipline, field of employment, and county of residence. Each Council vacancy will be designated by discipline, field of employment, or county of residence in accordance with the constituency designation specified in subsection (b) of this section and each designated vacancy will be voted upon separately by members of the Association. A candidate for Council must announce at the time of nomination or petition the vacancy for which that candidate is seeking election and the candidate must be qualified by discipline, field of employment or residence to fill the vacancy for which that candidate is seeking election. For purposes of election, the candidate's discipline shall be that shown on the roster, the field of employment shall be that held by the candidate and the county of residence shall be that of the candidate at the time of nomination or petition as well as at the time of election. The terms of office for Council members shall commence on September 1 of the year elected or appointed and shall expire on August 31 of the year ending the term."

Section 2. Amend §2808, Title 24 of the Delaware Code, by striking said

Section in its entirety and substituting in lieu thereof the following:

"§2808. Council Election and Appointment Procedure.

(a) The schedule for the election of the twelve (12) elected members of Council shall be as follows:

(1) Three members representing the constituencies of: civil engineering, industry and New Castle County shall be elected in 1978 and every four years thereafter.

(2) Three members representing the constituencies of: electrical engineering, private consulting practice and Kent County shall be elected in 1979 and every four years thereafter.

(3) Three members representing the constituencies of: mechanical engineering, education and Sussex County shall be elected in 1980 and every four years thereafter.

(4) Three members representing the constituencies of: chemical engineering, government and any other engineering discipline not previously designated shall be elected in 1981 and every four years thereafter.

(b) The schedule for the appointment of the three (3) appointed members shall be as follows:

(1) The one incumbent appointed member, who is a resident of New Castle County and was appointed in 1990 to serve a four year term as the sole appointed member, shall be designated as the appointed member from New Castle County, serving in this capacity, until 1994.

One member from New Castle County shall be appointed in 1994 and every four years thereafter.

(2) One member from Kent County shall be appointed in 1991 for a term expiring in 1993.

One member from Kent County shall be appointed in 1993 and every four years thereafter.

(3) One member from Sussex County shall be appointed in 1991 and every four years thereafter.

(c) All appointments to the Council shall be made by the Governor in accordance with the above schedule and with the requirements of §2807.

(d) The twelve Council members shall be elected by members of the Association by means of a letter ballot returned within thirty (30) days after the mailing thereof. The members in contest for each elected Council position receiving a plurality of votes from those voting within the prescribed time for that Council position shall be declared elected to that Council position."

Section 3. Amend §2811, Title 24 of the Delaware Code, by striking said Section in its entirety and substituting in lieu thereof the following:

"§2811. Council Vacancies.

Where any member of Council is absent from three consecutive meetings of the Council without suitable or acceptable reason or becomes incapacitated, the office shall be declared vacant by the Council.

When any member of Council resigns, dies, moves his or her residence from the State or otherwise ceases to be a member, or in the case of an elected member who changes his or her engineering discipline in the roster if elected to fill a discipline position on the Council, or in the case of an elected member who changes his or her field of engineering employment if elected to fill a field of engineering employment position on the Council, or in the case of an elected or an appointed member who changes his or her county of residence if elected or appointed to fill a county residency position, the office shall be declared vacant.

A declared vacancy of an appointed Council position shall be filled for the unexpired term by appointment by the Governor of the State of a person meeting the qualifications required to hold that appointed Council seat.

A declared vacancy of an elected Council seat shall be temporarily filled by a member meeting the qualifications required to hold that Council seat by virtue of a discipline or employment or county of residence upon the vote of a majority of the Council, until the next annual election when a member shall be elected to fill any remainder of the unexpired term."

Section 4. Amend §2817, Title 24 of the Delaware Code, by striking subsection (4) in its entirety.

Section 5. Amend subsection (a) of §2821, Title 24 of the Delaware Code by striking the last sentence.

Section 6. Amend §2822, Title 24 of the Delaware Code by striking this section in its entirety and substituting therefor the following:

"(A) The State, its political subdivisions, agencies, commissions and authorities shall not solicit or receive proposals for, or engage in, the construction of public works involving the practice of engineering as defined in this Chapter unless:

(1) the engineer, partnership or corporation which will perform and/or take responsibility for all engineering work is identified in the proposal and is authorized to practice engineering under this Chapter at the time of submission of the proposal; and

(2) the engineering study, drawings, specifications and estimates are prepared by, and the construction is executed under, the responsible charge or direct supervision of a registrant or permittee."

Any contract executed in violation of this Section shall be null and void.

Section 7. Amend §2825, Title 24 of the Delaware Code by striking subsection (2) in its entirety and substituting in lieu thereof the following:

"(2) Use any name, title, description or designation, either orally or in writing, that will lead to the belief that such person is entitled to practice engineering as defined in this chapter, including without limitation the words 'engineer' or 'engineering' or any modification or derivative of those words."

Section 8. Amend Chapter 28, Title 24 of the Delaware Code, by adding the following new sections:

"§2829. Use of Seals and Stamps.

(a) Each registrant shall obtain an embossing seal of the design authorized by the Council, bearing the registrant's name, registration number and the legend 'professional engineer'. Failure of the registrant to substantiate to the Council, within six (6) months of the registrant's application approval date, that such a seal has been procured will result in the registrant being placed by the Council in 'delinquent status'.

(b) In addition to the embossing seal required by the foregoing provisions of this section, registrants may procure and use a stamp containing the same data as the embossing seal."

Section 9. Amend Chapter 28, Title 24 of the Delaware Code, by adding the following new section:

"§2830. Dating, Signing and Sealing.

(a) All final drawings, specifications and documents involving the practice of engineering as defined in this chapter when issued or filed for public record shall be dated and bear the signature and seal of the registrant(s) who prepared or approved them.

(b) If original tracings are sealed or stamped, the date of sealing or stamping must appear under the signature.

(c) The holder of a temporary permit, using the seal of the State designated by the Council on his permit, shall seal all final drawings, specifications, and documents in accordance with §2830.

The permittee shall, in addition, write his permit number and his signature immediately adjacent to the imprint of his seal."

Approved April 22, 1991.

CHAPTER 25

FORMERLY

HOUSE BILL NO. 185
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3 OF TITLE 28 OF THE DELAWARE CODE RELATING TO RACING AND RACING DATES, HOURS OF RACING, WAGERING ON SIMULCAST RACES AND COMBINED PARI-MUTUEL POOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter IV, Chapter 3, Title 28 of the Delaware Code by adding thereto a new section, designated as §369, which new section shall read as follows:

"§369. Combined Pari-Mutuel Pools on Interstate Simulcast Wagering.

(a) On interstate simulcasts of races that a person licensed under this Chapter transmits or receives, the licensee may combine wagers made at the licensee's track with wagers of the same type made at out-of-state facilities where wagering is lawful.

(b) The purpose of this section is to allow the creation of common pari-mutuel pools for calculating odds and determining payouts.

(c) The wagers made at out-of-state facilities may not be considered part of the licensee's pari-mutuel pools for any purpose other than the purpose specified under paragraph (b) of this section."

Approved May 3, 1991.

CHAPTER 26

FORMERLY

SENATE BILL NO. 109

AN ACT TO AMEND AN ACT BEING CHAPTER 166, VOLUME 37, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF SELBYVILLE" TO INCREASE THE AMOUNT WHICH MAY BE BORROWED AGAINST ANTICIPATED REVENUES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Subsection 24, Section 4, Chapter 166, Volume 37, Laws of Delaware, as amended by Chapter 111, Volume 58, Laws of Delaware by striking the words and figures "Fifty Thousand Dollars ($50,000.00)" as they appear therein and substituting in lieu thereof the words and figures "Two Hundred Thousand Dollars ($200,000.00).

Approved May 10, 1991.

CHAPTER 27

FORMERLY

HOUSE BILL NO. 24
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 14, CHAPTER 13, DELAWARE CODE, RELATING TO SPEECH AND HEARING SPECIALISTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1321(e)(6), Chapter 13, Title 14, Delaware Code, by adding immediately after the word "pupils;" the following:

"A district may choose to employ personnel under this subsection or may as an alternative choose to provide all or part of those services through a contractual arrangement with a public or private agency. When providing services of speech and hearing therapists by contract, the dollar value of the contracts shall not exceed the authorized salary for a teacher holding the master's degree and having 10 years of experience and employed for a period of 10 months per year as provided for in §1305 of this Title, multiplied by the number of therapists authorized. Any school district wishing to use funds under the contractual option set forth in this Section shall make application to the State Board of Education for that use."

Approved May 10, 1991.

CHAPTER 28

FORMERLY

HOUSE BILL NO. 138

AN ACT TO AMEND CHAPTER 7, TITLE 7, DELAWARE CODE, RELATING TO HUNTING OF DEER WITH A MUZZLE LOADER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §704(f), Chapter 7, Title 7, Delaware Code by striking the phrase "minimum barrel length of 28 inches (71.2 cm)," as the same appears in the first sentence of said section.

Approved May 10, 1991.

CHAPTER 29

FORMERLY

HOUSE BILL NO. 162
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 93, TITLE 16, DELAWARE CODE RELATING TO HEALTH PLANNING AND CERTIFICATE OF NEED PROGRAMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §9302(2), Chapter 93, Title 16 of the Delaware Code by striking §9302(2) a. through i. in its entirety and substituting new §9302(2) a. through j. as follows:

"a. 'Hospital' shall mean any non-federal facility licensed as such pursuant to Chapter 10 of this title and more particularly Section 50 of the State Board of Health Regulations.

b. 'Nursing Home' shall mean any non-federal facility licensed as such pursuant to Chapter 11 of this title and more particularly Sections 57 (Skilled Care) and 58 (Intermediate Care) of the State Board of Health Regulations.

c. 'Freestanding birthing center' shall mean any facility licensed as such pursuant to Chapter 1 of this title and more particularly in the State Board of Health Regulations.

d. 'Freestanding surgical center' shall mean any facility licensed as such pursuant to Chapter 1 of this title and more particularly Section 51 of the State Board of Health Regulations.

e. 'Freestanding emergency center' shall mean any facility licensed as such pursuant to Chapter 1 of this title and more particularly Section 52 of the State Board of Health Regulations.

f. 'Prescribed pediatric extended care center' shall mean any facility licensed as such pursuant to Chapter 1 of this title and more particularly in the State Board of Health Regulations.

g. 'Medical detoxification setting' shall mean any facility licensed as such pursuant to Chapter 22 and 48 of this title and more particularly Section 6 of the Division of Alcoholism, Drug Abuse and Mental Health Regulations.

h. 'Blood bank' shall mean an independent organization collecting or storing human blood or plasma.

i. 'Kidney disease treatment center' shall mean a facility (other than the patient's residence) in which patients suffering from permanent or temporary kidney failure are treated by use of an artificial kidney which separates wastes or poisons from the blood.

j. 'Alcoholism rehabilitation facility' shall mean a facility which provides post-detoxification intensive residential treatment for alcoholism involving a highly structured program not exceeding 28 days for a majority of residents."

Section 2. Amend §9302, Chapter 93, Title 16 of the Delaware Code by designating §9302(5) as §9302(6) and §9302(6) as §9302(7) and inserting a new §9302(5) as follows:

"(5) 'Major medical equipment' shall mean a single unit of medical equipment or a single system of components with related functions which is used for the diagnosis or treatment of patients and which: (i) Entails a capital expenditure as set forth in this chapter which exceeds $750,000; or (ii) Represents medical technology which is not yet available in Delaware; or (iii) Represents medical technology which has been designated by the Health Resources Management Council as being subject to review. The State Agency may, with the concurrence of the Health Resources Management Council, exempt from review a capital expenditure used to acquire major

medical equipment which represents medical technology which is not yet available in Delaware. A notice of intent filed pursuant to §9305 of this title along with any other information deemed necessary by the Health Resources Management Council or the State Agency shall provide the basis for exempting such a capital expenditure from review."

Section 3. Amend §9303(b), Chapter 93, Title 16 of the Delaware Code by striking the first two sentences and substituting the following:

"The Health Resources Management Council shall consist of 18 members to be appointed by the Governor. Appointments shall be for 3-year terms except that the initial appointment of an individual may be for less than 3 years so that approximately one-third of the terms expire each year."

Section 4. Amend §9303(d), Chapter 93, Title 16 of the Delaware Code by striking §9303(d)(6) and §9303(d)(8) in their entirety and substituting new §9303(d)(6) and §9303(d)(8) as follows:

"(6) Review certificate of need applications filed pursuant to this Chapter and make recommendations thereon to the State Agency;

(8) Adopt bylaws as necessary for conducting its affairs. Such bylaws shall incorporate adequate provisions to assure that Council members shall not vote on matters in which they have a conflict of interest."

Section 5. Amend §9304, Chapter 93, Title 16 of the Delaware Code by striking §9304(1) in its entirety and substituting a new §9304(1) as follows:

"(1) The construction, acquisition, development, or other establishment of a health care facility. The acquisition of a health care facility by acquiring the assets or a controlling equity interest may be exempted from review by the State Agency, with the concurrence of the Health Resources Management Council. A notice of intent filed pursuant to §9305 of this title along with any other information deemed necessary by the Health Resources Management Council or the State Agency shall provide the basis for exempting such capital expenditure from review;"

Section 6. Amend §9304, Chapter 93, Title 16 of the Delaware Code by adding thereto a new §9304(5) which shall read as follows:

"(5) Any expenditure which under generally accepted accounting principles consistently applied is a capital expenditure and is used to acquire major medical equipment. An acquisition by lease or comparable arrangement or through donation which would have required review if the acquisition had been by purchase, shall be deemed a capital expenditure subject to review. Major medical equipment which is acquired for use in a dispensary or first aid station located within a business or industrial establishment maintained solely for the use of employees or in a first aid station, dispensary or infirmary offering services exclusively for use by students and employees of a school or university or by inmates and employees of a prison is not subject to review."

Section 7. Amend §9305, Chapter 93, Title 16 of the Delaware Code by striking §9305(8) and §9305(9) in their entirety and substituting new §9305(8) and §9305(9) as follows:

"(8) Same -- Procedure for Health Resources Management Council. -- If the State Agency makes a decision regarding a certificate of need application which is inconsistent with the recommendation from the Health Resources Management Council, the State Agency shall submit to the Council within 10 days a written detailed statement of the reasons for the inconsistency.

Such decision (and the record upon which it was made) shall, upon written request of the Health Resources Management Council, be reviewed by a 5-person Appeals Board appointed by the Secretary, Department of Health and Social Services. A request for review under this subdivision must be received by the Secretary, Department of Health and Social Services, within 30 days of the State Agency decision. The hearing shall commence within 45 days of receipt of the request. The decision of the Board shall be made in writing within 45 days after the conclusion of such hearing. These written

findings shall be sent to the applicant, the Health Resources Management Council and the State Agency.

The review of the decision by the Appeals Board shall be on the record. The Appeals Board shall review the record and determine whether the State Agency observed the statutory procedures for review set forth in this Chapter and whether there was substantial evidence to support the decision. The Appeals Board may, at its discretion, consider additional evidence when such evidence embodies significant changes in factors or circumstances relied upon by the State Agency in reaching its decision. However, when the Appeals Board does consider additional evidence, it shall not reverse a State Agency decision solely on the basis of such additional evidence without first remanding the matter to the State Agency for further action or consideration.

The decision of the Appeals Board or the State Agency after a remand from the Appeals Board, shall be considered the final decision of the State Agency.

(9) Same -- Applicant. -- Any decision of the State Agency under this chapter (and the record upon which it was made) shall, upon written request of the applicant, be reviewed by a 5-person Appeals Board appointed by the Secretary, Department of Health and Social Services. A request for review under this subdivision must be received by the Secretary, Department of Health and Social Services, within 30 days of the State Agency decision. The hearing shall commence within 45 days of receipt of the request. The decision of the Appeals Board shall be made in writing within 45 days after the conclusion of such hearing. These written findings shall be sent to the applicant, the Health Resources Management Council and the State Agency.

The review of the decision by the Appeals Board shall be on the record. The Appeals Board shall review the record and determine whether the State Agency observed the statutory procedures for review set forth in this Chapter and whether there was substantial evidence to support the decision. The Appeals Board may, at its discretion, consider additional evidence when such evidence embodies significant changes in factors or circumstances relied upon by the State Agency in reaching its decision. However, when the Appeals Board does consider additional evidence, it shall not reverse a State Agency decision solely on the basis of such additional evidence without first remanding the matter to the State Agency for further action or consideration.

The decision of the Appeals Board or the State Agency after a remand from the Appeals Board, shall be considered the final decision of the State Agency. The decision of the Appeals Board or the State Agency after a remand from the Appeals Board, may be appealed by the applicant within 30 days to the Superior Court. Such appeal shall be on the record."

Section 8. Severability

If any clause, sentence, section, provision or part of this Act shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgement shall not impair, invalidate or affect the remainder of this Act which shall remain in full force and effect.

Section 9. Repealing Clause

All laws and parts of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 10. Effective Date

This Act shall become effective upon the signature of the Governor.

Approved May 15, 1991.

CHAPTER 30

FORMERLY

HOUSE BILL NO. 184

AN ACT WAIVING THE STATUTORY PROVISIONS OF SECTION 107(A) OF CHAPTER 1, TITLE 13, DELAWARE CODE AS IT RELATES TO THE MARRIAGE OF MICHELE JOAN MADEKSZA AND GLENN DAVID KRASKER, NON-RESIDENTS OF THE STATE OF DELAWARE.

WHEREAS, Glenn David Krasker of Detroit, Michigan wishes to marry Michele Joan Madeksza of Chicago, Illinois, both of whom are non-residents of the State of Delaware; and

WHEREAS, the bride to be, Michele Joan Madeksza, a former resident of Delaware, presently is employed full-time by Resurrection Medical Center in Chicago, Illinois; and

WHEREAS, the groom is employed full-time by Hutzel Hospital in Detroit, Michigan; and

WHEREAS, the couple plan to be married on May 25, 1991 in Delaware because most of their friends are located here; and

WHEREAS, because of the working circumstance of both parties, it is extraordinarily difficult for them to comply with the provisions of §107(a), Chapter 1, Title 13, Delaware Code requiring non-residents to obtain a marriage license at least 96 hours prior to the marriage ceremony.

NOW, THEREFORE:
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Glenn David Krasker of Detroit, Michigan and Michele Joan Madeksza of Chicago, Illinois are hereby exempted from the provisions of §107(a), Chapter 1, Title 13, Delaware Code and are specifically authorized to marry on May 25, 1991 or within 30 days thereafter; the Clerk of the Peace for Sussex County shall issue to Glenn David Krasker and Michele Joan Madeksza one official marriage license pursuant to this Act, the provisions of §107(a) of Chapter 1, Title 13, Delaware Code or any other law of this State to the contrary notwithstanding.

Approved May 15, 1991.

CHAPTER 31

FORMERLY

HOUSE BILL NO. 155
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2
AND SENATE AMENDMENT NOS. 4 AND 5

AN ACT TO AMEND CHAPTER 9, TITLE 7, DELAWARE CODE TO IMPLEMENT RESOLUTIONS OF THE DELAWARE BAY WEAKFISH COMMISSION FOR THE CALENDAR YEAR 1991.

WHEREAS, the Delaware Bay is generally divided in the middle by the boundary between Delaware and New Jersey; and

WHEREAS, Both Delaware and New Jersey independently manage the harvest of weakfish by widely different laws and regulations within their portion of the Delaware Bay; and

WHEREAS, the weakfish has been the most significant recreational and commercial fish of the last two decades in Delaware Bay; and

WHEREAS, the weakfish harvest in the Delaware Bay has dramatically declined and there are similar indications for 1991; and

WHEREAS, there is a concern that over-harvesting within the Delaware Bay is another potential cause of the declining weakfish population; and

WHEREAS, the Delaware Bay is recognized as a prime spawning area for weakfish; and

WHEREAS, there is a concern that the lack of uniform management of the harvest of weakfish within the Delaware Bay is another potential cause of the declining weakfish population; and

WHEREAS, a large by-catch mortality of juvenile weakfish in the North Carolina inshore shrimp trawl fishery is another potential cause of the declining weakfish populations; and

WHEREAS, the very large ocean harvest of weakfish off the North Carolina Coast winter trawl fishery is another potential cause of the declining weakfish population; and

WHEREAS, recent evidence indicates the winter trawl fishery for weakfish is harvesting the same stocks of weakfish that migrate into Delaware Bay during the spring and summer; and

WHEREAS, the decline of weakfish in the Delaware Bay is causing significant negative economic impact for Delaware and New Jersey businesses that support recreational and commercial fishing; and

WHEREAS, it is imperative that legislation be implemented before the beginning of the 1991 spawning season (recognized to start approximately April 1st) to ensure for the conservation of the weakfish's existence; and

WHEREAS, this is a major bi-state concern; and

WHEREAS, the Delaware Bay Weakfish Commission has been created and evaluated the problems with the decline of weakfish in the Delaware Bay.

NOW THEREFORE:
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The provisions in this Act relative to reducing the landings of weakfish shall become effective on the date substantially similar or identical provisions become effective in the State of New Jersey. The Secretary of the Department of Natural Resources and Environmental Control (herein after the Department) shall determine if substantially similar or identical provisions take effect in the State of New Jersey. The provisions in this Act shall remain in effect only until March 31, 1992.

Section 2.

(a) Unless otherwise authorized and notwithstanding any of the provisions in Chapter 9, Title 7, Delaware Code, it shall be unlawful for any commercial finfisherman to land in Delaware more than seventy five percent of his average reported landings in pounds of weakfish for the previous three years (1988, 1989, and 1990). The Department shall inform each commercial finfisherman the pounds of weakfish he or she shall be permitted to land in the State during 1991, based upon landing reports submitted through January 31, 1991. The Department may authorize five additional commercial finfishermen to each land up to but not exceed 7500 pounds of weakfish in 1991 provided he/she submits to the Department notarized affidavits along with canceled checks, receipts or other documented evidence within 10 calendar days of the effective date of this Section that verify that he/she fished commercially at least 10 days with another commercial finfisherman during a fishing year and that all weakfish that were landed when fishing with other said commercial finfisherman were reported to the Department by said other commercial finfisherman. A notarized affidavit shall include the dates fished with other said commercial finfisherman when weakfish were reported as landings to the Department and the amount of weakfish in pounds that were reported on those dates to the Department. The affidavit shall be signed by the said other commercial fisherman and the commercial finfisherman requesting authorization to land weakfish in 1991. Canceled checks, receipts and other documents should verify information in the affidavit. The Department shall determine the additional five commercial finfishermen to be authorized to land weakfish in 1991 based upon the order in which qualified requests are received by the Department. The amount of weakfish authorized to be landed by each additional commercial finfisherman shall be calculated by the Department to equal 75% of the average yearly landings claimed in the affidavit during the years 1988, 1989, and 1990, but in no event, greater than 7500 pounds.

(b) It shall be unlawful for any commercial finfishermen to land, transport or sell any weakfish in this State unless the Department has received a report of his/her landings of weakfish that were sold during the previous week. Said week is to be known as the report week. The report week shall begin at 12:01 A.M. on Saturday and end at 12:00 midnight on Friday, next ensuing. Each report shall be delivered to the Department before 4:30 P.M. on the Friday following the report week or postmarked for delivery to the Department no later than midnight on the Tuesday following the report week. If a commercial finfisherman has not delivered a required report to the Department by the deadline specified, he/she shall not land, transport or sell any weakfish until he/she has delivered the required report to the Department. Each report shall include the pounds of finfish landed on each day of the report week on forms supplied by the Department. Each weekly report shall be signed by the commercial finfishermen and acknowledge that the report includes the total landings of weakfish sold during the report week. It shall be required that receipts for all weakfish sold be attached to the report. Each receipt for weakfish sold shall contain the buyer's business name, the signature of the buyer, the commercial finfisherman's name or commercial foodfishing license number and the date and pounds of weakfish purchased on that date by the buyer. These reports and receipts shall substitute for the monthly reports, required under Subsection 914(6), Chapter 9, Title 7 of the Delaware Code for only those commercial finfishermen who are eligible to commercially fish for weakfish under this Act.

(c) The Department may, only after the effective date of substantially similar or identical legislation in the State of New Jersey, adopt emergency regulations to implement the provisions of this section. Such regulations shall be deemed to be necessary to deal with an eminent danger to the weakfish fishery as authorized pursuant to Subsection 903(h), Chapter 9, Title 7 of the Delaware Code.

(d) Any commercial finfishermen convicted of a violation of the provisions of this section shall have his commercial foodfishing license and any foodfishing equipment permits suspended for a period of one year starting on the date of the conviction."

(e) The Department shall notify a commercial finfisherman when his individual quota of weakfish has been landed in Delaware as determined from

the summation of receipts for weighed weakfish. These landings of weakfish may be used in the calculation of any future individual quotas of weakfish.

(f) It shall be unlawful for a commercial finfisherman to land any weakfish in this State for the remainder of the calendar year 1991 after he or she has been notified by the Department that his or her individual quota of weakfish has been landed. Any amount of weakfish landed by a commercial finfisherman in excess of his or her quota shall be subtracted from quotas for that individual in future years.

Section 3.

(a) Notwithstanding the provisions of Subsection 929(b)(3), Chapter 9, Title 7, Delaware Code, it shall be unlawful for any person, except as provided for recreational finfishermen in paragraph (b) of this section to possess any weakfish in the State unless said weakfish has a minimum total length of no less than twelve (12) inches measured from the tip of the snout to the tip of the tail.

(b) Notwithstanding the provisions of Subsection 929(b)(3), Chapter 9, Title 7, Delaware Code, it shall be unlawful for any recreational finfisherman while fishing in or being on the tidal waters of this State of Delaware to possess more than ten (10) weakfish, any of which shall not be less than thirteen (13) inches in total length measured from the tip of the snout to the tip of the tail.

Section 4.

Notwithstanding the provisions of Subsections 915(g), 923(a)(b) and (f), Chapter 9, Title 7, Delaware Code, it shall be unlawful for any recreational finfisherman to fish in the tidal waters of this State, when it is authorized lawful to do so, with a fixed gill net that exceeds 100 feet in length.

Section 5.

Notwithstanding the provisions of Subsection 933, Chapter 9, Title 7, Delaware Code, any enforcement agents of the Department after determining a person is or has been engaged in fishing, transporting finfish and/or offering finfish for sale may do the following without obtaining a warrant beforehand:

(1) Search, examine and/or inspect any person and/or any person's vehicle, vessel and/or any container or other receptacle in and/or on any vehicle or vessel that is under the control or possession of said person for the purpose of determining said person's compliance with this chapter or any regulation promulgated by the Department or permit issued by the Division of Fish and Wildlife pertaining to the size, limits, sale, purchase and possession of finfish and/or the method of taking finfish;

(2) Detain any person and/or person's vehicle or vessel for a reasonable length of time to conduct any search, examination and/or inspection thereof, as described in subdivision (1) of this section; and

Section 6.

Whenever the Weakfish Fishery Management Plan, approved by the Atlantic States Marine Fisheries Commission in 1985 is amended and approved by the Atlantic States Marine Fisheries Commission designated Weakfish Management Board, the provisions or parts thereof of this Act shall become null and void on the effective date the Department promulgates regulations adopting the provisions or parts of such a management plan when said provisions or parts thereof are contrary to any provisions of this Act.

Section 7.

Section 2 of this Act shall become effective on the date the State of New Jersey enacts and implements substantially similar or identical provisions as determined by the Department to effectively reduce the commercial landings of weakfish for individual commercial finfishermen in

New Jersey by seventy-five percent of their previous three years average landings and a license is required for all fishermen who sell fish in New Jersey.

Section 3 of this Act shall become effective on the date the State of New Jersey enacts and implements substantially similar or identical provisions as determined by the Department to:

(a) restrict the possession size of weakfish for recreational finfishermen to no less than 13 inches and a possession creel limit to no more than 10 weakfish per day, and

(b) restrict the possession size of weakfish for all other persons to no less than 12 inches.

Sections 1, 4, 5 and 6 of this Act shall become effective upon the date signed by the Governor.

Approved May 15, 1991.

CHAPTER 32

FORMERLY

SENATE BILL NO. 119

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES DEAUTHORIZING AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE; AND REVERTING AND REPROGRAMMING CERTAIN FUNDS OF THE STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Deauthorization of Prior General Obligation Bond Authorizations. The State hereby repeals the authorization to issue bonds, the proceeds of which were heretofore appropriated to the following departments and agencies for the following projects and amounts:

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Appropriation Code	Amount
Delaware Development Office	67/285	10-03-03-6115	$ 500,000
Dept. of Administrative Services	67/285	30-05-10-6117	125,000
Dept. of Administrative Services	67/285	30-05-10-6119	60,000
Dept. of Administrative Services	67/285	30-05-10-6114	100,000
Dept. of Administrative Services	67/285	30-05-10-6112	450,000
Dept. of Administrative Services	67/275	30-05-10-6120	238,100
Dept. of Health & Social Services	67/285	35-01-20-6113	1,000,000
Dept. of Health & Social Services	67/285	35-04-01-6112	900,000
Dept. of Natural Resources & Environmental Control	67/285	40-06-02-6113	50,000
TOTAL			$3,423,100

Section 2. Authorization of Twenty-Year Bonds. The State hereby authorizes the issuance of Three Million Four Hundred Twenty-Three Thousand One Hundred Dollars ($3,423,100) of bonds to which the State shall pledge its full faith and credit. Bonds authorized to be used by this Section shall mature not later than twenty (20) years from their date of issuance. The proceeds of such bonds are hereby appropriated for a portion of the purposes set forth in the "Fiscal Year 1991 Capital Improvements Project Schedule Addendum" attached hereto and made a part hereof and summarized as follows:

Department, Agency, or Instrumentality	Amount
Delaware Development Office	$ 600,000
Department of Natural Resources & Environmental Control	1,138,100
University of Delaware	1,685,000
TOTAL	$3,423,100

Section 3. Reversion of Fund Balances to the State Treasurer's Bond Reversion Account. On the effective date of this Act, the State Treasurer shall transfer the remaining appropriation balances, not in excess of the amounts indicated below in the enumerated project accounts, to the State Treasurer's Bond Reversion Account (12-05-003-8101).

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Appropriation Code	Amount
Budget Office	67/46	10-02-01-6014	$600,000
Delaware Development Office	67/285	10-03-03-6114	500,000
Dept. of Administrative Services	64/343	30-05-10-5522	160,523
Dept. of Administrative Services	67/285	30-05-10-6126	50,000

Dept. of Administrative Services	67/285	30-05-10-6124	150,000
Dept. of Natural Resources & Environmental Control	67/285	40-06-02-6113	50,000
Dept. of Natural Resources & Environmental Control	65/212	40-09-03-5612	948,119
Delaware National Guard	65/385	76-01-01-5713	59,112
Delaware National Guard	65/385	76-01-01-5714	42,052
TOTAL			$2,559,806

Section 4. Transfers from the State Treasurer's Bond Reversion Account. Notwithstanding the provisions of other State law, the State Treasurer shall transfer, as funds become available, the sum of Two Million Five Hundred Fifty-Nine Thousand Eight Hundred Six Dollars ($2,559,806) from the State Treasurer's Bond Reversion Account (12-05-003-8101) to the following departments in the following amounts for the purposes set forth in the "Fiscal Year 1991 Capital Improvements Project Schedule Addendum" attached hereto and made a part hereof.

Department, Agency, or Instrumentality	Amount
Delaware Development Office	$ 400,853
Dept. of Health & Social Services	1,000,000
Dept. of Natural Resources & Environmental Control	42,052
University of Delaware	615,000
State Board of Education	501,901
TOTAL	$2,559,806

Section 5. Reversion of General Funds. On the effective date of this Act, the State Treasurer shall transfer or disburse the remaining appropriation balances, not in excess of the amounts indicated below in the enumerated project accounts, to the General Fund of the State of Delaware.

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Appropriation Code	Amount
Budget Office	66/360	10-02-01-0183	$ 597,250
Delaware Development Office	66/360	10-03-03-0183	250,000
Delaware Development Office	67/46	10-03-03-0183	250,000
Delaware Development Office	66/360	10-03-03-0188	1,000,000
Delaware Development Office	67/46	10-03-03-0192	300,000
Delaware Development Office	67/46	10-03-03-0193	300,000
Delaware Development Office	67/46	10-03-03-8091	1,989,885
Delaware Development Office	66/360	10-03-03-0184	1,169,574
Department of State	66/360	20-06-04-0181	78,526
Dept. of Health & Social Services	67/46	35-01-20-0182	1,000,000
Dept. of Natural Resources & Environmental Control	67/46	40-06-04-0184	1,875,000
Dept. of Natural Resources & Environmental Control	67/46	40-07-03-0184	610,930
University of Delaware	66/360	90-01-01-0197	300,000
University of Delaware	67/46	90-01-01-0197	2,000,000

Board of Education	67/46	95-01-02-0173	200,813
Board of Education	67/46	95-40-00-0192	149,285
Board of Education	67/46	95-39-00-0192	151,803
TOTAL			$12,223,066

Section 6. Reversion of First State Improvement Funds. On the effective date of this Act, the State Treasurer shall disburse the remaining appropriation balances, not in excess of the amounts indicated below in the enumerated project accounts, to the General Fund of the State of Delaware.

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Appropriation Code	Amount
Delaware Development Office	67/46	10-03-03-9642	$ 400,853
Delaware Development Office	65/212	10-03-03-9601	53,751
Delaware Development Office	65/385	10-03-03-9623	350,000
Delaware Development Office	67/46	10-03-03-9643	165,213
Dept. of Natural Resources & Environmental Control	67/285	40-08-01-9652	9,400,000
Dept. of Natural Resources & Environmental Control	67/285	40-06-04-9654	1,861,506
Dept. of Natural Resources & Environmental Control	67/285	40-06-04-9652	1,180,152
Delaware National Guard	66/92	76-01-01-9632	96,500
TOTAL			$13,507,975

Section 7. Land and Water Conservation Fund. The Budget Director shall establish an appropriation line within the Department of Natural Resources & Environmental Control (the "Department") as authorized by Senate Bill 47 (Volume 68, Chapter 14 of Delaware Laws). The Department is hereby instructed to recode any transactions not in excess of the amount reverted from Volume 67, Chapter 285 of Delaware Laws 40-06-04-9654 in Section 6 of this Act to said established appropriation line to ensure acquisition of properties under contract and/or negotiation for acquisition.

Section 8. Bond Verification. All bonds issued, or herein before or herein authorized to be issued, by the State are hereby determined to be within all debt and authorization limits of the State.

Section 9. Inconsistency. Insofar as the provisions of this Act are inconsistent with the provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be controlling.

Section 10. Severability. If any section, part, phrase, or provision of this Act or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Act or the application thereof.

Section 11. Effective Date. This Act shall take effect in accordance with the provisions of State law.

Approved May 16, 1991.

CHAPTER 33

FORMERLY

SENATE BILL NO. 57
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NOS. 2 AND 3

AN ACT TO AMEND TITLE 7, DELAWARE CODE RELATING TO HORSESHOE CRABS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend §1901(18), Chapter 19, Title 7, Delaware Code by striking §1901(18) and substituting in lieu thereof the following:

"(18) 'Shellfish' means any mollusca, crustacea and chilicerata that includes oysters, clams, lobsters, mussels, whelks, crabs, shrimp, and horseshoe crabs."

Section 2. Amend Title 7, Delaware Code by adding thereto a new chapter to read as follows:

"Chapter 27. HORSESHOE CRABS (Limulus polyphemus)

§2701. Authority of the Department

(a) The Department shall establish and administer a program for the conservation and management of horseshoe crabs. Such program shall include the promulgation of regulations for:

1) Administration of a permitting system and issuance of permits as defined by this Act;

2) Designation of areas for harvest and restriction as necessary to sensitive habitat and public safety;

3) Definition of acceptable equipment and methods of harvest;

4) Designation of lawful seasons for collection; and

5) Establishment of limits or the quantities to be harvested.

6) Establish reporting requirements for all permit holders authorized to take horseshoe crabs.

(b) Before implementing rules and regulations, and any subsequent changes thereto, the Department shall conduct a public hearing on the proposed regulations. The Department shall publish notice of a public hearing in newspapers of general circulation in the State no less than 20 days in advance of the public hearing. Said notice shall include a brief description of the proposed regulation, the time, and location of the public hearing and the manner in which the public may respond to the Department on the proposed regulation. The regulations shall be filed with the Secretary of State prior to implementation.

(c) The Department shall be authorized to adopt interim regulations notwithstanding the provisions of subsection (b) of this Act in order to implement administrative procedures and the provisions of subsection (a) of this Act in a timely manner. These interim regulations may be adopted by the Department for a period not to exceed 90 days. Interim regulations shall become effective upon the date they are filed with the Secretary of State.

(d) The Department shall be further authorized to adopt emergency regulations notwithstanding the provisions of subsection (b) of this Act when such regulations are necessary to deal with an actual or eminent threat to the horseshoe crab resources and the fishery thereof. Emergency regulations may be adopted by the Department for a period not to exceed 90 days. As soon as practicable after adoption of emergency regulations hereunder, the Department shall conduct a public hearing on the matter in accordance with §2701(b) for the purpose of implementing regulations.

Emergency regulations shall become effective upon the date they are filed with the Secretary of State.

§2702. Scientific Collecting Permit.

The Department may issue a scientific collecting permit to a person to permit the collecting of horseshoe crabs solely for scientific, medical or educational purposes. There shall be no fee for this collecting permit. The person shall apply to the Department for a collecting permit on an application provided by the Department, and shall present in writing the specific purpose for which the horseshoe crab will be used and shall present credible evidence that the disposition of the horseshoe crabs collected shall be for scientific, medical, or educational purposes. Where possible only males shall be collected. Also, those collected for above purposes shall be returned to the original habitat when feasible.

§2703. Dredging.

Unless otherwise authorized by the Department, it shall be unlawful for any person to use dredges to take horseshoe crabs in this State unless said person has a valid horseshoe crab dredge permit issued annually by the Department. The fee for a resident horseshoe crab dredge permit shall be $100.00. The fee for a non resident horseshoe crab dredge permit shall be $1,000.00. The Department shall not issue a horseshoe crab dredge permit to any person unless said person is the current owner and operator of an oyster vessel licensed to transplant oysters from natural oyster beds as provided under the provisions of Chapter 19, Title 7 of the Delaware Code and shellfish regulations adopted by the Department. The permit shall designate the vessel to be used to dredge for horseshoe crabs. The Department shall not issue more than five (5) horseshoe crab dredge permits during any one calendar year.

§2704. Collecting Permits for Other Than Scientific Purposes.

(a) A commercial collecting permit shall be required of any individual sixteen years of age or older, (including a property owner), collecting horseshoe crabs, except for personal, non-commercial uses. The collection fee to obtain a commercial collecting permit for residents of Delaware shall be $100. The collection fee to obtain a commercial collecting permit for non-residents shall be $1,000. A commercial collecting permit shall not be required of a property owner, his tenant, or agent, on those lands from which crabs are taken for personal usage. An agent or tenant shall mean a person who has written permission from the property owner of the land from which horseshoe crabs are taken to act on the owner's behalf.

(b) Any municipality, town, other local government, or individual who collect dead horseshoe crabs in order to clean up a beach or to otherwise dispose of said crabs properly shall be required to obtain a beach clean-up collecting permit. There shall be no fee for a beach clean-up collecting permit.

(c) Unless authorized by a scientific collecting permit issued by the Department, it shall be unlawful for any person to take or attempt to take horseshoe crabs by any method unless said person has obtained a valid collecting permit as provided in this Section.

(d) When by or pursuant to the laws or regulations of any other state should said state impose any tax, other fee or restrictions on nonresidents for the privilege of commercially collecting horseshoe crabs within its boundaries, which tax, or other fee is in the aggregate greater or restriction is greater to include but not be limited to the nonavailability of a permit for nonresidents, the similar or identical taxes, other fees, permit requirements and restrictions shall be imposed by the Department upon the residents of that state who seek to apply for a commercial collecting permit from the Department to collect horseshoe crabs within the boundaries of this State.

§2705. Penalties.

(a) Any person who is convicted two times in the same calendar year for violations of this Chapter of any regulation promulgated by the Department pursuant thereto shall be subject to the following provisions:

1) If the person holds a valid permit at the time of the second conviction, said permit shall be revoked by the Department. Persons whose permits are revoked shall not be eligible to reapply for a permit under this Chapter until five (5) years after the date of revocation.

2) If said person does not hold a valid permit at the time of the second conviction, such person shall not be eligible to apply for any permit outlined in this Chapter for a period of five (5) years after the second conviction.

(b) Any person convicted of a violation of any provision of this Chapter or any regulation promulgated by the Department pursuant thereto, shall be fined not less than $100 nor more than $1,000 for each violation, plus payment of all costs. Each individual horseshoe crab taken in violation of any provision of this Chapter or regulation promulgated by the Department pursuant thereto shall constitute a separate violation.

(c) Justice of the Peace Court shall have jurisdiction over violations of this Chapter.

(d) The Department shall not renew any permit to collect or dredge horseshoe crabs until the applicant has reported his harvest of the previous calendar year's total number of horseshoe crabs to the Department on forms provided by the Department."

Approved May 16, 1991.

CHAPTER 34

FORMERLY

HOUSE BILL NO. 80
AS AMENDED BY HOUSE AMENDMENT NO. 1, SENATE AMENDMENT NOS. 4, 5 AND 6

AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO OCCUPANT PROTECTION SYSTEMS, USAGE, STANDARDS AND CONDITION THEREOF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part III, Title 21 of the Delaware Code by adding thereto a new Chapter, designated as Chapter 48, which new Chapter shall read as follows:

"CHAPTER 48. OCCUPANT PROTECTION SYSTEM SAFETY ACT.

§4801. Short Title.

This Act shall be known and may be cited as the Seat Belt Safety Act.

§4802. Driver Requirements: Front Seat Passenger; Exceptions; Sales Requirements; Working Condition of System:

a.(1) The driver of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat belt which meets the applicable federal motor vehicle safety standards.

(2) The driver of a motor vehicle shall secure or cause to be secured in a properly adjusted and fastened seat belt system, as defined by the applicable federal motor vehicle safety standards, any passenger in the front seat.

b. The term 'motor vehicle', as used in this Chapter is defined in §101(20) of this Title with the exception of motorcycles.

c. The provisions of this section shall not apply to:

(1) Any person in a motor vehicle who possesses a written verification from a licensed physician or a licensed physical therapist that such person is unable to wear an occupant protection system for physical or medical reasons;

(2) A motor vehicle which is not required to be equipped with an occupant protection system under federal law; or,

(3) A motor vehicle operated by a letter carrier of the United States Postal Service while performing the duties of a letter carrier.

d. A motor vehicle shall not be stopped by a police officer for failing to comply with this section.

e. No person shall install, distribute, have for sale, offer for sale or sell any occupant protection system for use in a motor vehicle unless it meets current minimum standards and specifications under federal law.

f. Every owner of a motor vehicle shall maintain all occupant protection systems and assemblies and mechanisms required by this Section in proper working condition and in a manner that will enable occupants to use them.

g. Failure to comply with this Section shall be considered as an aggravating circumstance for sentencing purposes for persons convicted of violations of other provisions of Title 21 of the Delaware Code. Any person who is found to have violated this Section in connection with the prosecution of a violation of any other provision of Title 21 of the Delaware Code shall in addition to any fine and at the same time as, any fine is assessed to the defendant, be levied for credit to the Victim Compensation Fund an additional penalty assessment of 40% not to exceed $20.00 of every fine, penalty or forfeiture imposed or collected by the

1) If the person holds a valid permit at the time of the second conviction, said permit shall be revoked by the Department. Persons whose permits are revoked shall not be eligible to reapply for a permit under this Chapter until five (5) years after the date of revocation.

2) If said person does not hold a valid permit at the time of the second conviction, such person shall not be eligible to apply for any permit outlined in this Chapter for a period of five (5) years after the second conviction.

(b) Any person convicted of a violation of any provision of this Chapter or any regulation promulgated by the Department pursuant thereto, shall be fined not less than $100 nor more than $1,000 for each violation, plus payment of all costs. Each individual horseshoe crab taken in violation of any provision of this Chapter or regulation promulgated by the Department pursuant thereto shall constitute a separate violation.

(c) Justice of the Peace Court shall have jurisdiction over violations of this Chapter.

(d) The Department shall not renew any permit to collect or dredge horseshoe crabs until the applicant has reported his harvest of the previous calendar year's total number of horseshoe crabs to the Department on forms provided by the Department."

Approved May 16, 1991.

CHAPTER 34

FORMERLY

HOUSE BILL NO. 80
AS AMENDED BY HOUSE AMENDMENT NO. 1, SENATE AMENDMENT NOS. 4, 5 AND 6

AN ACT TO AMEND TITLE 21, DELAWARE CODE, RELATING TO OCCUPANT PROTECTION SYSTEMS, USAGE, STANDARDS AND CONDITION THEREOF.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Part III, Title 21 of the Delaware Code by adding thereto a new Chapter, designated as Chapter 48, which new Chapter shall read as follows:

"CHAPTER 48. OCCUPANT PROTECTION SYSTEM SAFETY ACT.

§4801. Short Title.

This Act shall be known and may be cited as the Seat Belt Safety Act.

§4802. Driver Requirements: Front Seat Passenger; Exceptions; Sales Requirements; Working Condition of System:

a.(1) The driver of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat belt which meets the applicable federal motor vehicle safety standards.

(2) The driver of a motor vehicle shall secure or cause to be secured in a properly adjusted and fastened seat belt system, as defined by the applicable federal motor vehicle safety standards, any passenger in the front seat.

b. The term 'motor vehicle', as used in this Chapter is defined in §101(20) of this Title with the exception of motorcycles.

c. The provisions of this section shall not apply to:

(1) Any person in a motor vehicle who possesses a written verification from a licensed physician or a licensed physical therapist that such person is unable to wear an occupant protection system for physical or medical reasons;

(2) A motor vehicle which is not required to be equipped with an occupant protection system under federal law; or,

(3) A motor vehicle operated by a letter carrier of the United States Postal Service while performing the duties of a letter carrier.

d. A motor vehicle shall not be stopped by a police officer for failing to comply with this section.

e. No person shall install, distribute, have for sale, offer for sale or sell any occupant protection system for use in a motor vehicle unless it meets current minimum standards and specifications under federal law.

f. Every owner of a motor vehicle shall maintain all occupant protection systems and assemblies and mechanisms required by this Section in proper working condition and in a manner that will enable occupants to use them.

g. Failure to comply with this Section shall be considered as an aggravating circumstance for sentencing purposes for persons convicted of violations of other provisions of Title 21 of the Delaware Code. Any person who is found to have violated this Section in connection with the prosecution of a violation of any other provision of Title 21 of the Delaware Code shall in addition to any fine and at the same time as, any fine is assessed to the defendant, be levied for credit to the Victim Compensation Fund an additional penalty assessment of 40% not to exceed $20.00 of every fine, penalty or forfeiture imposed or collected by the

court for the Title 21, Del. C. offense. Where there are multiple Title 21, Del. C. offenses involved, the penalty assessment pursuant to this Section shall be based upon a total fine for all offenses but not to exceed a total additional penalty assessment of $20.00. When a fine, penalty or forfeiture is suspended in whole or in part the additional penalty assessment shall not be suspended.

The assessment imposed herein shall be in addition to the penalty assessment imposed by 11 Del. C. §9012(a).

h. No motor vehicle points shall be assessed against any person for failing to comply with subsection (a) of this Section and there shall be no entry made on the person's driving record for failing to comply with subsection (a) of this Section.

i. Failure to wear an occupant protection system shall not be considered as evidence of either comparative or contributory negligence in any civil suit or insurance claim adjudication arising out of any motor vehicle accident, nor shall failure to wear an occupant protection system be admissible as evidence in the trial of any civil action or insurance claim adjudication."

Section 2. Amend §4199C, Subchapter XIII, Chapter 41, Title 21 of the Delaware Code by designating §4199C in its entirety as §4803 and adding said section to Chapter 48, Title 21, Delaware Code.

Section 3. The Division of Motor Vehicles shall develop a plan for the spot checking in inspection lanes of motor vehicles covered under Section 1 of this Act to determine the operability of the occupant protection systems within said motor vehicles. Said plan shall be submitted by the Secretary of the Department of Public Safety on or before January 1, 1992 to the General Assembly.

Section 4. This Act shall take effect on January 1, 1992.

Approved May 22, 1991.

CHAPTER 35

FORMERLY

SENATE BILL NO. 15
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 90, TITLE 11, DELAWARE CODE, RELATING TO COMPENSATION FOR VICTIMS OF CRIME.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §9005, Chapter 90, Title 11, Delaware Code, by adding thereto a new subsection (7) to read as follows:

"(7) Under no circumstances shall the Board reopen or reinvestigate a case after the expiration of two years from the date of decision rendered by the Board."

Section 2. Amend §9006 (a), Chapter 90, Title 11, Delaware Code, by adding thereto new sections (6) and (7) to read as follows:

"(6) Where the victim is injured as a result of their own suicide or attempted suicide.

(7) Where the victim has sustained injuries during a drug-related crime in which he or she was an illegal participant."

Approved May 23, 1991.

CHAPTER 36

FORMERLY

SENATE BILL NO. 91

AN ACT TO AMEND CHAPTER 31, TITLE 24, DELAWARE CODE, RELATING TO BOARD OF FUNERAL PRACTITIONERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3110(e), Chapter 31, Title 24, Delaware Code, by striking paragraph (e) in its entirety and substituting in lieu thereof a new paragraph (e) to read as follows:

"(e) Notwithstanding the provisions of subsection (b) of this Section, in the event a funeral practitioner, who was previously licensed in Delaware, and who allowed his or her license to lapse for a period in excess of 12 months, is applying for licensure under the provisions of this Section, the Board shall grant a license to such applicant, subject, however, to the completion of the continuing education requirements set forth in subsection (b) of this section, formal submission of a completed written application on forms provided by the Board, successful completion of the State law examination required by §3107, and payment of a $300 reinstatement fee to the Board."

Approved May 23, 1991.

CHAPTER 37

FORMERLY

HOUSE BILL NO. 49
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 43, TITLE 21, DELAWARE CODE, RELATING TO LIGHTS AND EQUIPMENT ON VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4356(b), Chapter 43, Title 21, Delaware Code, by striking said paragraph (b) in its entirety and substituting in lieu thereof a new paragraph (b) to read as follows:

"(b) A police vehicle, a volunteer fire company vehicle or a City of Wilmington Bureau of Fire owned vehicle may have placed upon such vehicle flashing blue and red lights or flashing blue, red, and/or white lights."

Approved May 23, 1991.

CHAPTER 38

FORMERLY

HOUSE BILL NO. 203

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF MILTON", BEING CHAPTER 501, VOLUME 61, LAWS OF DELAWARE, AS AMENDED BY CHAPTER 265, VOLUME 64, AND CHAPTER 266, VOLUME 65, LAWS OF DELAWARE, RELATING TO THE TOWN CHARTER OF MILTON.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Amend Section 24, Subsection (a), Chapter 501, Volume 61, Laws of Delaware, as amended by Chapter 265, Volume 64 and Chapter 266, Volume 65, Laws of Delaware, by keeping intact the first sentence, and in the second sentence by striking therefrom the phrase ", a bonafide resident of the Town of Milton and a freeholder of the town." and by adding a period "." in lieu thereof.

Approved May 30, 1991.

CHAPTER 39

FORMERLY

SENATE BILL NO. 48

AN ACT TO AMEND TITLE 9, DELAWARE CODE, RELATING TO MILEAGE RATES FOR OFFICERS OR EMPLOYEES OF THE COUNTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 9121, Title 9, of the Delaware Code by deleting the section and replacing it with:

"The authorized mileage rate for officers or employees of the several counties who receive mileage from the respective county governments shall be at a rate to be determined by levy court or county council, but shall be no more than the business standard mileage rate as provided in Revenue Procedure 90-59, as the same may be amended from time to time."

Approved June 4, 1991.

CHAPTER 40

FORMERLY

SENATE BILL NO. 123

AN ACT TO AMEND CHAPTER 197 VOLUME 54 LAWS OF DELAWARE WHICH REVISED THE PRIOR CHARTER OF REHOBOTH BEACH AND PRESCRIBED A NEW CHARTER THEREFORE, TO PROVIDE FOR ABSENTEE BALLOTS IN ALL REHOBOTH ELECTIONS, TO CHANGE THE DATE FOR FILING CERTIFICATES OF NOMINATION AND JUDGING THE QUALIFICATIONS OF CANDIDATES, TO CHANGE THE TIME OF THE ANNUAL MUNICIPAL ELECTION, TO CHANGE THE DEADLINE TO REGISTER TO VOTE IN THE ANNUAL MUNICIPAL ELECTION, TO CHANGE THE QUALIFICATIONS OF VOTERS, AND TO CHANGE THE QUALIFICATIONS FOR CANDIDATES FOR ELECTIVE OFFICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Subsection (b), Section 4, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended, by striking subsection (b) in its entirety and substituting in lieu thereof a new subsection (b) and a new subsection (c) to read as follows:

"(b) In all elections ballots may be cast in person or by absentee ballot as hereinafter provided.

(c) Absentee Ballots

(i) Any qualified voter, duly registered, may cast his vote by absentee ballot in any municipal election or special municipal election if such voter will not be available to vote in person during the hours of the election.

(ii) Any such voter desiring to receive an absentee ballot, who is qualified and registered as aforesaid, shall personally appear at the City Manager's office in the Municipal Building, Rehoboth Beach, Delaware and file an affidavit on forms prescribed by the City Manager stating his name, address, birth date, social security number, the fact that he will not be available to vote in person during the hours of the election, and the address and telephone number (if practicable) where the voter will be during the election. Such Affidavit shall be dated not more than forty five days prior to the day of the election and not later than 12:00 noon of the day prior to the election. Upon the approval of such affidavit an absentee ballot, envelopes and instructions shall be furnished to such voter as soon as practical.

Any voter who is absent from the city while on active duty in the military service of the United States of America (including the spouse of such voter if absent from the city on account of the voter's active duty status) or who is confined indoors as a result of physical illness or infirmity as established by the certificate of a medical doctor is not required to personally appear at the City Manager's office when filing the required affidavit.

(iii) The City Manager shall prepare the official ballot, envelopes and instructions to absentee voters.

(iv) The absentee voter shall return the absentee ballot and envelopes completed in accordance with the instructions to the office of the City Manager of Rehoboth Beach either by mail or in person to be received in either case before 12:00 noon of the day preceding the election and not thereafter.

(v) The City Manager shall safeguard each absentee ballot in its envelope until the day of the election when he shall deliver the same to the polling place into the custody of the Inspector of the Election who shall deposit all absentee ballots in a special ballot box. The Election Board shall count the absentee ballots and announce the results along with the results of the votes cast in person upon the close of the election."

Section 2. Subsection (a), Section 6, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended by

deleting the word "July" as it appears in said subsection and substituting in lieu thereof the word "June".

Section 3. Subsection (b), Section 6, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended by deleting the word "July" as it appears in said subsection and substituting in lieu thereof the word "June".

Section 4. Subsection (a), Section 7, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended by deleting the words "11:00", "7:00" and "12:00 noon" as they appear in said subsection and by substituting in lieu thereof the words "10:00", "6:00" and "11:00" respectively.

Section 5. Subsection (d) Section 7, Chapter 197, Volume 54, Laws of Delaware as amended be and the same is hereby further amended by adding the following new paragraph at the end thereof:

"As used in this Chapter 'Freeholder' means an individual holding fee simple title to an undivided interest in real property in the City or who holds title to real property in the City as a tenant by the entirety.

'Real Property' includes condominiums created under the Delaware Unit Property Act.

As used in this Chapter 'Lease' means a valid lease to real property in the City for a term of at least ten (10) years which lease is recorded in the Office of the Recorder of Deeds in and for Sussex County and upon which real property is erected an improvement having an assessed valuation of at least one thousand dollars ($1,000.00) as shown by the records of the City of Rehoboth Beach.

'Leaseholder' as used in this Chapter means an individual holding title to an undivided interest in a Lease or who holds title to a lease as a tenant by the entirety.

As used herein 'resident' shall mean an individual actually residing and domiciled in the City of Rehoboth Beach for a period of 6 months immediately preceding the date of the election."

Section 6. Subsection (d), Section 7, Chapter 197, Volume 54, Laws of Delaware as amended be and the same is hereby further amended by striking out the word "July" as it appears in said subsection in the last sentence and substituting in lieu thereof the word "June".

Section 7. Subsection (d), Section 6, Chapter 197, Volume 54, Laws of Delaware as amended be and the same is hereby further amended by repealing said subsection and by substituting in lieu thereof a new subsection (d) to read as follows:

"(d) No qualified elector shall sign the nominating petition of more candidates than there are elective offices to be filled at such regular municipal election. Each qualified elector signing such petition shall also state whether he signed such petition as a freeholder or as a leaseholder or as a resident."

Section 8. Subsection (a), Section 3, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended by striking the last sentence thereof.

Section 9. Subsection (d), Section 7, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended by striking the words "Three (3) months" as they appear therein in the first sentence and by substituting in lieu thereof the words "Six (6) months".

Section 10. Subsection (a), Section 3, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended by adding to the end of the second sentence which reads "The Commissioners of Rehoboth Beach shall consist of seven (7) members, to be chosen as hereinafter provided, all of whom shall be citizens of the United States of America".

Section 11. Subsection (a), Section 3, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby amended by adding to the end of the seventh sentence which reads "The Commissioner with the title of Mayor of the City of Rehoboth Beach shall also be a bona-fide resident and domiciliary of the city", the words, "and shall have been domiciled in the City of Rehoboth Beach for a period of at least twelve (12) months immediately preceding the date of election".

Section 12. Subsection (k), Section 41A, Chapter 197, Volume 54, Laws of Delaware as heretofore amended be and the same is hereby further amended by striking the words "three (3) months" as they appear therein in the first sentence and by substituting in lieu thereof the words "six (6) months".

Section 13. If this bill is signed by the Governor on or before May 15, 1991, it shall become effective immediately otherwise it shall become effective on January 1, 1992."

Approved June 4, 1991.

CHAPTER 41

FORMERLY

SENATE BILL NO. 165
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 26, TITLE 14 OF THE DELAWARE CODE, RELATING TO THE POWER OF COUNTY VOCATIONAL HIGH SCHOOL DISTRICTS AND COUNTY VOCATIONAL-TECHNICAL SCHOOL DISTRICTS TO LEVY TAXES FOR SCHOOL PURPOSES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 26, Title 14, Delaware Code by striking §2601(a)(1) in its entirety, and substituting in lieu thereof the following:

"(1) The amount to be raised by taxation shall not exceed 15.2 cents on each $100 of value of real property in Sussex County for the tax year 1991 and all years thereafter."

Section 2. Amend Section 2602, Chapter 26, Title 14, Delaware Code, by designating the existing section as "subsection (a) and adding a new "subsection (b)" to read as follows:

"(b) Prior to submitting any subsequent legislation to the General Assembly for approval that proposes to increase the tax rate authorized by §2601 (a) (1) of this title, the Sussex County Vocational Technical School District Board of Education shall first submit by March 15 of that year its proposed tax rate increase and justification therefor to a Tax Rate Review Committee composed of the following members:

1. A representative of the Department of Public Instruction designated by the State Board of Education;

2. Two public members from Sussex County designated by the Governor;

3. The Controller General;

4. The Budget Director;

5. The superintendent of one of the Sussex County school districts designated by the President Pro Tempore of the Senate.

The Tax Rate Review Committee shall, in a timely fashion, review the proposed tax rate increase taking into account the District's projected enrollment, current operating expense requirements, and the county's taxable assessment, and shall file a report by April 15 of that year with the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives, indicating whether or not the proposed tax rate is sufficient to meet the District's reasonable operating requirements. Copies of this report shall also be distributed to each local Board of Education in the County."

Approved June 6, 1991.

CHAPTER 42

FORMERLY

HOUSE BILL NO. 190
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 39, TITLE 31, DELAWARE CODE, RELATING TO ADULT PROTECTIVE SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend §3902, Chapter 39, Title 31, Delaware Code, by adding thereto new paragraphs 16 through 19 to read as follows:

"(16) 'Abuse' means: (a) physical abuse by intentionally and unnecessarily inflicting pain or injury on an infirm adult, or (b) a pattern of emotional abuse, which includes but is not limited to, ridiculing or demeaning an infirm adult, making derogatory remarks to an infirm adult, or cursing or threatening to inflict physical or emotional harm on an infirm adult.

(17) 'Caregiver' means any adult who has assumed the permanent or temporary care, custody or responsibility for the supervision of an infirm adult.

(18) 'Mistreatment' means the intentional failure to provide appropriate physical or emotional care to an infirm adult, including the intentional, inappropriate use of medications, isolation, or physical or chemical restraints on or of an infirm adult.

(19) 'Neglect' means: (a) intentional lack of attention by a caregiver to physical needs of an infirm adult including but not limited to toileting, bathing, meals and safety; or (b) intentional failure by a caregiver to carry out a treatment plan prescribed by a health care professional for an infirm adult."

Section 2. Amend Chapter 39, Title 31, Delaware Code by adding thereto a new §3913 to read as follows:

"§3913. Violations.

(a) Any person who intentionally abuses, neglects, exploits or mistreats an infirm adult shall be guilty of a Class A misdemeanor.

(b) any person who intentionally exploits an infirm adult by using the infirm adult's resources shall be guilty of a Class A misdemeanor where the value of the resources is less than $500.00 and a Class G felony where the value of the resources is $500.00 or more.

(c) Any person who intentionally abuses, neglects, exploits or mistreats an infirm adult, and, causes bodily harm, permanent disfigurement or permanent disability shall be guilty of a Class D felony. Where the abuse, mistreatment or neglect results in death, such person shall be guilty of a Class A felony.

Section 3. Amend §3911, Title 31, Delaware Code by inserting the phrase "mistreated, neglected," after the phrase "abused," where it appears in the title of §3911, and by inserting the phrase "mistreated, neglected," after the phrase "abused," where it appears in the first sentence of the body of §3911.

Approved June 10, 1991.

CHAPTER 43

FORMERLY

SENATE BILL NO. 33
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO METERING AND CHARGES FOR UTILITY SERVICES FOR COMMERCIAL UNITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 5114, Title 25 of the Delaware Code by adding thereto a new subsection to read as follows:

"(h) Notwithstanding anything to the contrary contained in subsections (a) through (g) of this Section, whenever any landlord or other person (i) purchases utility service from a public utility and redistributes the same to a tenant in a commercial unit and/or in connection with the operation of that commercial unit (e.g., the operation of the common area), and (ii) continuously meters the tenant's use in that commercial unit to which it redistributes the utility service and continuously meters the common area, such landlord or other person may charge and collect from such tenant, by way of rent or otherwise, an amount not to exceed the amount the tenants would be billed by the public utility for such utility service if the same was directly metered by such public utility."

Approved June 12, 1991.

CHAPTER 44

FORMERLY

SENATE BILL NO. 92
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2
AND HOUSE AMENDMENT NO. 4 AS AMENDED BY HOUSE AMENDMENT NO. 1
TO HOUSE AMENDMENT NO. 4

AN ACT TO AMEND CHAPTERS 1 AND 5, TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §543(b), Title 4 of the Delaware Code by striking the period "." at the end of paragraph "(6)" and inserting in lieu thereof a semicolon ";" and by adding the following new paragraphs:

"(7) The applicant or any of the applicant's directors or officers, or any of the applicant's shareholders who hold more than 10% of the outstanding issued shares has been convicted of violating any of the prohibited acts defined in 16 Delaware Code, Chapter 47, The Uniform Controlled Substances Act, or its functional equivalent under the laws of the United States, any state or territory, or any other country, including but not limited to, the illegal manufacture, delivery, trafficking, possession, or consumption of any controlled or non-controlled substance, or the delivery or possession of illegal drug paraphernalia or illegal hypodermic syringes or needles, or the conspiracy, solicitation, or other attempt to engage in such illegal activities;

(8) As to a restaurant applicant, the applicant has failed to designate a substantial portion of the premises' floor space, as determined by the Commission, to be used for the storage, preparation, service and consumption of complete meals;

(9) As to a restaurant applicant, the applicant's projected or actual receipts from the sale of complete meals fails to represent a substantial portion of the establishment's total gross receipts as determined by the Commission;

(10) As to a restaurant applicant, the applicant's proposed premises, or any proposed extension of the premises of an existing licensed restaurant is protested in accordance with the provisions contained in §541(b) of this title or any applicable Commission rule, and the Commission finds that substantial evidence exists to conclude that the establishment's primary purpose will be the serving of alcoholic liquor to patrons. In reaching its decision, the Commission shall consider factors including, but not limited to, the number and sizes of bars in the establishment, the establishment's floor plan, an approximate percentage of the projected revenue to be derived from the sale of alcoholic liquor as compared to the percentage of revenue to be derived from the sale of complete meals, the establishment's seating capacity, storage and preparation area for food service, and the number of service employees employed, or to be employed, in the establishment and their functions."

Section 2. Amend §543, Title 4 of the Delaware Code by adding a new subsection "(g)" thereto to read as follows:

"(g) Every application for a new license of any type or for an extension of premises of an existing license of any type must be accompanied by documentation from the appropriate political subdivision that the premises to be used are properly zoned for the applicant's intended use. Additionally, before the Alcoholic Beverage Control Commission may issue a new license of any type or grant an extension of premises of an existing license of any type, the applicant shall be required to comply with all applicable licensing requirements of the appropriate political subdivision and shall provide available documentation to the Commission establishing such compliance. This subsection shall not apply to any application for a temporary extension of premises as authorized by Commission Rule; provided that any such application has not been objected to by the appropriate political subdivision which shall be

provided with notice of the application by the applicant within seven days of the date the application is filed with the Commission."

Section 3. Except for the provisions contained in new paragraph §543(b)(7) of Title 4, and the provisions relating to new applications for extensions of premises of existing licenses contained in new subsection §543(g) of Title 4, the provisions of this Act shall not apply to restaurant licenses in existence on the effective date of this Act nor shall they apply to any of the rights conferred on such existing restaurant licenses by Title 4. The provisions contained in new paragraph §543(b)(7) of Title 4, shall apply prospectively to all present licensees regardless of the type of license possessed. The provisions relating to new applications for extensions of premises to existing licenses contained in new subsection §543(g) of Title 4 shall apply prospectively to all present restaurant licensees.

Section 4. Nothing contained herein shall be deemed to affect or limit the ability of a political subdivision to enact any otherwise lawful zoning, land use, or other law, ordinance, regulation, restriction, rule, permit requirement, limitation of occupancy, comprehensive plan, or other provision relating to restaurants or other establishments which sell and dispense alcoholic liquors.

Section 5. This Act shall be effective upon signature of the Governor.

Approved June 14, 1991.

CHAPTER 45

FORMERLY

HOUSE BILL NO. 179

AN ACT TO AMEND CHAPTER 82, TITLE 29, DELAWARE CODE, RELATING TO THE ADOPTION OF ADDITIONAL FEDERAL REQUIREMENTS WITH RESPECT TO TRANSPORTATION OF HAZARDOUS MATERIALS IN THIS STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8226, Chapter 82, Title 29, Delaware Code, by striking the number "179" as the same appears in the first sentence of said section and substituting in lieu thereof the number "180".

Approved June 14, 1991.

CHAPTER 46

FORMERLY

SENATE BILL NO. 65

AN ACT TO AMEND TITLE 23, DELAWARE CODE RELATING TO LIMITATION OF LIABILITY FOR RENDERING VESSEL TRAFFIC INFORMATION SERVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 23, Delaware Code by adding thereto a new Chapter to read as follows:

"Chapter 24. Exemptions From Civil Liability For Rendering Vessel Traffic Information Services.

§2401. Definitions.

As used in this chapter:

(a) The term "sponsors and operators" shall mean The Pilots' Association for the Bay and River Delaware and the Ports of Philadelphia Maritime Exchange.

(b) The term "watch officer" means any river pilot, licensed as such by any state or any person otherwise certified by the sponsors and operators and who is maintaining a vessel traffic watch at any designated vessel information traffic station serving the water within the Delaware River and Bay and their tributaries and approaches, including the Chesapeake and Delaware Canal or any other water within the territorial limits of the State.

§2402. Limitation of liability of watch officers and vessel traffic information service entities.

(a) Qualified Staff. The liability of any watch officer who renders informational and/or communications assistance to vessels entering, leaving, or transiting the Delaware River and Bay and their tributaries and approaches, including the Chesapeake and Delaware Canal or any other water within the territorial limits of the State for damages caused by or related to such assistance shall be limited to acts or omissions of such watch officer which can be shown to have been the result of gross negligence, reckless, willful, wanton and/or intentional acts of misconduct on the part of such watch officer.

(b) Sponsors and Operators. The liability of The Pilots' Association for the Bay and River Delaware and the Ports of Philadelphia Maritime Exchange, which sponsor and operate the vessel traffic information service for damages caused by or related to such sponsorship or operation shall be limited to acts or omissions which can be shown to have been the result of gross negligence, reckless, willful, wanton and/or intentional acts of misconduct on part of such sponsors and operators."

Approved June 17, 1991.

CHAPTER 47

FORMERLY

HOUSE BILL NO. 189

AN ACT TO AMEND CHAPTER 5, TITLE 11 RELATING TO FIREARMS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 11, Delaware Code by adding a new section to read as follows:

"§1454. Giving a Firearm to Person Prohibited: Class F Felony.

A person is guilty of giving a firearm to certain persons prohibited when he or she sells, transfers, gives, lends, or otherwise furnishes a firearm to a person knowing that said person is a person prohibited as is defined in §1448 of this Title. Giving a firearm to certain persons prohibited is a Class F felony."

Approved June 20, 1991.

CHAPTER 48

FORMERLY

SENATE BILL NO. 120

AN ACT TO AMEND TITLE 18 DELAWARE CODE TO AUTHORIZE THE VALUATION OF SECURITIES OF INSURERS BY THE SECURITIES VALUATION OFFICE OF THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1116, Chapter 11, Title 18 Delaware Code by adding a new subsection to read as follows:

"(c) Notwithstanding any other provision of this section, securities shall be valued at prices established by the Securities Valuation Office of the National Association of Insurance Commissioners and in accordance with procedures established by the National Association of Insurance Commissioners."

Approved June 20, 1991.

CHAPTER 49

FORMERLY

SENATE BILL NO. 90

AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO MEMBERSHIP OF THE COUNCIL ON POLICE TRAINING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 8402(a), Chapter 84, Title 11 of the Delaware Code by deleting the number "10" appearing therein and inserting in lieu thereof the number "12".

Section 2. Amend Section 8402(b), Chapter 84, Title 11 of the Delaware Code by inserting the following between the phrase "Chief of the New Castle County Police Department;" and the phrase "the Superintendent of the Department of Public Instruction;" appearing therein:

"the Chief of the City of Dover Police Department; the Chief of the City of Newark Police Department;"

Section 3. Amend Section 8403(a), Chapter 84, Title 11 of the Delaware Code by deleting the word "six" appearing therein and inserting in lieu thereof the word "seven".

Approved June 20, 1991.

CHAPTER 50

FORMERLY

SENATE BILL NO. 127

AN ACT TO AMEND TITLE 18, DELAWARE CODE TO SPECIFICALLY REQUIRE ANNUAL STATEMENTS OF INSURERS TO CONFORM WITH THE NATIONAL ASSOCIATION OF INSURANCE COMMISSIONERS ANNUAL STATEMENT REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 526(a), Chapter 5, Title 18 Delaware Code by deleting the second sentence and substituting the following in lieu thereof:

"The statement filing shall be the annual statement form approved by the National Association of Insurance Commissioners ("NAIC") prepared in accordance with NAIC annual statement requirements and NAIC accounting practices and procedures manual."

Section 2. Further Amend Section 526, Chapter 5, Title 18 Delaware Code by adding thereto new subsections to read as follows:

"(e) Each domestic, foreign and alien insurer who is authorized to transact insurance in this state shall annually on or before March 1 of each year, file with the National Association of Insurance Commissioners a copy of its annual statement blank, along with such additional filings as prescribed by the Commissioner for the preceding year. The information filed with the National Association of Insurance Commissioners shall be in the same format and scope as that required by the Commissioner and shall include the signed jurat page and the actuarial certification. Any amendments and addendums to the annual statement filing subsequently filed with the Commissioner shall also be filed with the NAIC. Foreign insurers that are domiciled in a state which has a law substantially similar to this subsection shall be deemed in compliance with this Section.

(f) In the absence of actual malice, members of the NAIC, their duly authorized committees, sub-committees, and task forces, their delegates, NAIC employees, and all others charged with the responsibility of collecting, reviewing and analyzing and disseminating the information developed from the filing of the annual statement convention blanks shall be acting as agents of the Commissioner under the authority of this Section and shall not be subject to civil liability for libel, slander, or any other cause of action by virtue of their collection review, and analysis or dissemination of the data and information collected from the filings required hereunder. All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the Department by the National association of Insurance Commissioners' Insurance Regulatory Information System are confidential and may not be disclosed by the Department."

Approved June 20, 1991.

CHAPTER 51

FORMERLY

SENATE BILL NO. 128

AN ACT TO AMEND TITLE 18, DELAWARE CODE REGARDING FINANCIAL EXAMINATIONS OF INSURANCE COMPANIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 322, Chapter 3, Title 18 Delaware Code by adding a new subsection to read as follows:

"(e) In lieu of an examination under this Section of any foreign or alien insurer licensed in this State, the Commissioner may accept an examination report on such company as prepared by the Insurance Department for the company's state of domicile or port-or-entry state until January 1, 1994. Thereafter, such reports may only be accepted if (1) the Insurance Department was at the time of the examination accredited under the National Association of Insurance Commissioners' Financial Regulation Standards and Accreditation Program or (2) the examination is performed under the supervision of an accredited Insurance Department or with the participation of one or more examiners who are employed by such an accredited State Insurance Department and who after a review of the examination work papers and report state under oath that the examination was performed in a manner consistent with the standards and procedures required by their Insurance Department."

Section 2. Amend Section 324(a), Chapter 3, Title 18 Delaware Code by inserting after the period (.) at the end of the subsection (a) the following:

Upon determining that an examination should be conducted, the Commissioner or his designee shall issue an examination warrant appointing one or more examiners to perform the examination and instructing them as to the scope of the examination. In conducting the examination, the examiner shall observe those guidelines and procedures set forth in the Examiners' Handbook adopted by the National Association of Insurance Commissioners. The Commissioner may also employ such other guidelines or procedures as the Commissioner may deem appropriate."

Section 3. Amend Section 325, Chapter 3, Title 18 Delaware Code by adding a subsection (f) to read as follows:

"(f) All working papers, recorded information, documents and copies thereof produced by, obtained by or disclosed to the Commissioner or any other person in the course of an examination made under this Chapter shall be given confidential treatment and are not subject to subpoena and may not be made public by the Commissioner or any other person except to other state insurance departments. Access may also be granted to the National Association of Insurance Commissioners. Such parties must agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the company to which it pertains has been obtained".

Section 4. Amend Chapter 3, Title 18 Delaware Code by adding a new section to read as follows:

"325A. Immunity from Liability

(a) No cause of action shall arise nor shall any liability be imposed against the Commissioner, the Commissioner's authorized representatives or any examiner appointed by the Commissioner for any statements made or conduct performed in good faith while carrying out the provisions of this Chapter.

(b) No cause of action shall arise, nor shall any liability be imposed against any person for the act of communicating or delivering information or data to the Commissioner or the Commissioner's authorized representative or examiner pursuant to an examination made under this Chapter, if such act of communication

or delivery was performed in good faith and without fraudulent intent or the intent to deceive.

(c) This section does not abrogate or modify in any way any common law or statutory privilege or immunity heretofore enjoyed by any person identified in subsection (a) of this Section.

(d) A person identified in subsection (a) shall be entitled to an award of attorney's fees and costs if they are the prevailing party in a civil cause of action for libel, slander or any other relevant tort arising out of their activities in carrying out the provisions of this Act and the party bringing the action was not substantially justified in doing so. For purposes of this section a proceeding is "substantially justified" if it had a reasonable basis in law or fact at the time that it was initiated."

Approved June 20, 1991.

CHAPTER 52

FORMERLY

HOUSE BILL NO. 178
AS AMENDED BY HOUSE AMENDMENT NO. 1, HOUSE AMENDMENT NO. 1
TO HOUSE AMENDMENT NO. 1, HOUSE AMENDMENT NO. 2 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 30, TITLE 24, DELAWARE CODE, RELATING TO PROFESSIONAL COUNSELORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 30, Title 24, Delaware Code by striking same in its entirety and in lieu thereof substituting the following new chapter:

"§3001. Policy and objectives.

The primary objective of the Board of Professional Counselors of Mental Health, to which all other objectives and purposes are secondary, is to protect the general public (specifically those persons who are direct recipients of services regulated by this chapter) from unsound practices and from counseling practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence,; shall monitor complaints brought against practitioners regulated by the Board; shall adjudicate at formal complaint hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against practitioners. Nothing in this chapter shall be deemed direct or indirect commitment by the General Assembly to a present or future requirement that insurers or third parties must offer or provide coverage for the services of practitioners licensed under this chapter. (66 Del. Laws, c. 128, 1.) This Chapter shall only apply to those licensed to use the titles, "Licensed Professional Counselor of Mental Health" or "Licensed Associate Counselor of Mental Health."

§3002. Definitions

The following words, terms and phrases, when used in this chapter shall have the meanings subscribed to them under this section, except where the context clearly indicates a different meaning:

(1) "Board shall mean the Board of Professional Counselors of Mental Health which shall administer and enforce this chapter.

(2) "Licensed Professional Counselor of Mental Health" (LPCMH) shall mean any person who holds himself or herself out to the public offering to render to individuals, groups, organizations or the general public, a counseling service involving the application of clinical counseling principles, methods or procedures to assist individuals in achieving more effective personal and social adjustment.

An LPCMH's role is to assist clients in assessing and analyzing background and current information, and related mental and emotional conditions, exploring possible solutions and developing and providing a treatment goal.

(3) "Licensed Associate Counselor of Mental Health" (LACMH) shall mean any person who holds himself or herself out to the public by any title or description of services incorporating the words "Licensed Associate Counselor of Mental Health" and who renders or offers to render counseling services to individuals, groups, organizations, corporations, institutions, government agencies or the general public for a fee, or otherwise implying that he or she is trained, experienced or expert in counseling, under the supervision of a duly Licensed Professional Counselor of Mental Health or other supervisor suitable to the Board.

(4) "Practice of counseling" shall mean rendering or offering to render to individuals, groups, organizations or the general public any service

involving the application of principles, methods or procedures of the mental health counseling profession which include but are not limited to:

a. "Counseling" means assisting, by a Licensed Professional Counselor of Mental Health, an individual or a group, through the counseling relationship to develop an understanding of personal problems, to define goals, and to plan action reflecting his or her interests, abilities, aptitudes and needs as these are related to personal social concerns;

b. "Appraisal" means selecting, administering, scoring and interpreting instruments designed to assess an individual's aptitudes, attitudes, abilities, achievements, interests and personal characteristics, but shall not include the use of projective techniques in the assessment of personality;

c. "Consulting" means interpreting or reporting scientific fact or theory to provide assistance in solving current or potential problems of individuals, groups or organizations;

d. "Referral" means the evaluating of data to identify problems and to determine the advisability of referral to other specialists;

e. "Research" means reporting, designing, conducting or consulting on research in counseling with human subjects.

(5) "Counseling services" shall mean those acts and behaviors coming within the "practice of counseling" as defined in this chapter.

(6) "Direct supervision" shall mean supervision by a Licensed Professional Counselor of Mental Health or other mental health professionals acceptable to the Board and shall include the staffing of cases and the critiquing of counseling tapes. Said supervision shall be conducted in a formal, professional and consistent manner on a regularly scheduled basis.

§3003. License requirements; professional designations.

No person shall hold himself or herself out as a licensed professional counselor of mental health or licensed associate counselor of mental health unless he or she is licensed in accordance with this Chapter. It shall be unlawful for any person or for any business entity, its employees, agents or representatives to use in connection with his or its name or business activity the words 'licensed professional counselor of mental health', 'licensed associate counselor of mental health', or any other words, letters, abbreviations or insignia indicating or implying directly or indirectly that such person is licensed under this Chapter.

§3004. Applicability of chapter.

Nothing in this chapter shall be construed as preventing or restricting the practice, services or activities of:

(1) Any person registered or licensed in this State by any other law from engaging in the profession or occupation for which he or she is licensed;

(2) Nonresident persons engaged in consulting, research, teaching or lecturing in counseling for a period not greater than 30 days in a calendar year;

(3) Any person or legal entity engaged in religious activity of any nature whatsoever, religious activity shall be construed in the broadest sense possible to include all activity;

a. Arguably protected by either the free exercise or the establishment clauses of the First Amendment to the United States Constitution;

b. Arguably protected by §1, article I of the Constitution of this State;

c. Which can be shown to have been historically engaged in by any religiously motivated person or legal entity; or

d. Which can be shown to be sincerely believed to be described in, or mandated by, the Holy Scriptures of the individual or legal entity involved. Religious activity is not limited in any way to Sabbath worship but extends to any activity of a spiritual or religious nature which touches in any way on the affairs of life. Religious activity is not limited to clergy or churches and it includes church members or other religiously motivated individuals.

(4) Any student, intern or trainee in counseling at an accredited institution of higher education or training institution or fulfilling the supervised field experience requirements for licensure if the activities constitute a part of the supervised course of study and further provided that the person is designated a "counselor intern"; or an aide or intern who has met the educational requirements of licensure and is employed by a professional counselor.

(5) Any individual offering volunteer or paid services, who is approved by the entity for whom the services are rendered; provided that the entity is either engaged in religious activity, a public or private nonprofit organization, a charity or an organization licensed under the state licensure standards governing alcohol and drug counseling services.

(6) No person or entity exempt under any subdivision of this section shall be required to submit to the jurisdiction of the Board of Professional Counselors of Mental Health or to respond in any way whatsoever before that body.

§3005. Board of Professional Counselors of Mental Health; qualifications; terms of office; compensation.

(a) The Board of Professional Counselors of Mental Health is established and shall consist of 8 members who are residents of this State and shall be appointed by the Governor. The Board shall consist of 4 professional members licensed under this chapter, 1 shall be a licensed associate counselor of mental health, and 3 shall be public members. The public members shall not be or ever have been licensed under this chapter or members of the immediate family of a person licensed under this chapter; shall not have a material interest in providing goods and services to persons licensed under this chapter; and shall not be engaged in any activity directly related to licensees under this chapter. The public members shall be accessible to inquiries, comments and suggestions from the general public.

(b) Each member shall serve for a term of 3 years and may succeed himself for 1 additional term; provided, however, that where a member was initially appointed to fill a vacancy, such member may succeed himself for only 1 additional full term. Any person appointed to fill a vacancy on the Board shall hold office for the remainder of the unexpired term of the former member. Each term of office shall expire on the date specified in the appointment, except that each member shall serve until his successor is duly appointed.

(c) A member of the Board shall be suspended or removed by the governor for misfeasance, nonfeasance, malfeasance, misconduct, incompetency or neglect of duty. A member subject to disciplinary proceedings shall be disqualified from Board business until the charge is adjudicated or the matter is otherwise concluded.

(d) While serving on the board, no member may be a president, chairman or other official of a professional association for professional counselors.

(e) A member of the Board shall receive $50 for each meeting attended but not more than $500 in any calendar year.

§3006. Officers; conduct of business.

(a) The Board shall elect annually from its members, a President, a Vice President, and a Secretary. Each officer shall serve for one year and may succeed himself or herself in the same office for one additional term.

(b) The Board shall hold regularly scheduled business meetings at least twice a year and at such other times as the President deems necessary or at the request of a majority of the Board members.

(c) A majority of the members shall constitute a quorum and no action shall be taken without the affirmative vote of a majority of the quorum. Notwithstanding the immediately preceding sentence, no disciplinary action shall be taken without the majority vote of the entire Board. Any member who fails to attend 3 consecutive meetings, or fails to attend at least half of all regular business meetings during any calendar year, shall automatically upon such occurrence by deemed to have resigned from office and a replacement shall be appointed.

§3007. Powers and duties of Board.

(a) The Board of Licensed Professional Counselors of Mental Health shall have authority to:

(1) Promulgate rules and regulations implementing or clarifying a specific section of this chapter or necessary for the performances of their duties;

(2) Grant licenses to all persons who meet the qualifications for licensure;

(3) Receive complaints from practitioners and from the public concerning practitioners licensed under this chapter; evaluate such complaints; and take such action within its power as the Board deems appropriate;

(4) Determine whether or not a practitioner shall be the subject of a disciplinary hearing, and if so, conduct such hearing in accordance with this chapter and the provisions of the Administrative Procedures Act, 29 Del. C. Chapter 101;

(5) Where it has been determined after a disciplinary hearing that penalties or sanctions shall be imposed, designate and impose the appropriate sanction or penalty;

(6) Bring proceedings in court for the enforcement of this chapter, including suits in its own name to enjoin and restrain any person licensed under this chapter from violating the provisions of this chapter, or prevent or remedy any other violation of this chapter or the rules and regulations of the Board. The Board shall be represented in all such actions by the Attorney General;

(7) Maintain complete records relating to meeting minutes, applications, examinations, rosters, changes and additions to the rules and regulations, complaints, hearings and such other matters as the Board shall determine;

(8) Require by subpoena the attendance and testimony of witnesses and the production of papers, records or other documentary evidence;

(9) Set and charge an application fee as determined by the Board pursuant to §3009 of this title.

(b) Whenever the Board has reason to believe that a person licensed under this chapter has or will engage in practices which are in violation of this chapter, it may issue a cease and desist order against such person.

(1) Cease and desist orders shall be in writing and shall state what alleged violations have occurred or are about to occur which are the basis for the issuance of such orders.

(2) Cease and desist orders shall be served upon the violator and a copy shall be filed in the office of the Prothonotary of the county where the violator's main place of business in this State is located or in the office of the Prothonotary of the county where the violation occurred, or both.

(3) Upon receipt of a cease and desist order, the violator shall immediately cease and desist from conducting the activity which has been ordered ceased. Any person or agent or employee of the violator who conducts any activity which has been ordered ceased shall be considered to be in

contempt of the Superior Court and punished in the same manner and to the same extent.

(c) The Board shall adopt the Code of Ethics of the National Board for Certified Counselors (NBCC), or its successor, and any revisions or additions deemed appropriate by the Board to govern appropriate practice or behavior referred to in this chapter. The Board may add additional rules or interpretive guidelines in its discretion.

(d) In all activities the Board shall adhere to the Administrative Procedures Act, 29 Del. C. Chapter 101.

§3008. Qualifications for license.

The Board shall issue a license to each applicant who files an application upon a form and in such a manner as the Board prescribes, accompanied by payment of the application fee, and who furnishes satisfactory evidence of the following qualifications:

(1) The applicant is certified by the National Board for Certified Counselors, Inc., or by the National Academy of Certified Clinical Mental Health Counselors, or other national mental health specialty certifying organization acceptable to the board;

(2) The applicant has 3 years of supervised, full-time experience in professional counseling acceptable to the Board. An applicant may substitute up to 1 year of experience attained prior to the completion of the master's degree for 1 year of the required experience. Alternatively, an applicant may substitute 30 graduate semester hours or more attained beyond the master's degree for 1 year of the required experience provided that such hours are clearly related to the field of counseling and are acceptable to the Board. In no case shall the applicant have less than 2 years of the required post-master's professional experience. The Board by its rules and regulations shall establish criteria for determining acceptable supervised experience;

(3) The applicant is highly regarded in personal character and professional ethics;

(4) The applicant is not in violation of any of the provisions of this chapter or the rules and regulations adopted pursuant to this chapter;

(5) The applicant has not been convicted of any felony;

(6) The applicant has not been convicted of any offense involving fraud;

(7) The applicant has not been penalized for any willful violation of the Code of Ethics or other professional mental health counseling standard;

(8) In the instance of an applicant who has been convicted of a misdemeanor, the Board shall have discretion, after full receipt and review of all information deemed relevant by the Board, to issue a license to such applicant notwithstanding the existence of a conviction for a misdemeanor.

§3009. Fees.

It shall be the policy of the Board and the Division of Professional Regulation that fees imposed under this chapter shall approximate and reasonably reflect the expenses and costs incurred by the Board and by the Division in administering this chapter; provided, however, that each applicant for licensure and each applicant for license renewal shall pay a fee of no less than $100.00 for those respective services. There shall be a separate fee for each service or activity, but no fee shall be charged for a service or activity not specified in this chapter. The application fee shall not be combined with any other fee or charge, except as specifically set forth herein. At the beginning of each calendar year, the Division of Professional Regulation, or any other state agency acting in its behalf, shall compute for each service or activity the appropriate fees for the coming year.

§3010. Qualifications for licensed associate counselor of mental health.

The Board shall issue an associate counselor of mental health license (LACMH) to each applicant who files an application upon a form and in such manner as the Board prescribes, accompanied by payment of the application fee. The applicant must meet all the requirements established for licensed professional counselors of mental health in Section 3008 of this chapter except those dealing with required experience.

(1) A Licensed Associate Counselor of Mental Health may practice only under the direct supervision of a supervisor acceptable to the Board. A plan for supervision of the associate counselor of mental health must be submitted to and approved by the Board prior to the actual performance of any counseling services by the LACMH.

(2) The associate counselor of mental health license shall be effective for a period of up to 3 years. Any LACMH may petition the Board for licensure review as a Licensed Professional Counselor of Mental Health upon fulfillment of the requirements of Section 3008 of this chapter.

§3011. Renewal of licenses; expiration of licenses; reactivation of licenses; inactive status of LPCMH's.

(a) Licenses shall expire biennially with the exception of licenses for Associate Counselors of Mental Health expiring triennially. Licenses may be renewed in a manner described by the Division of Professional Regulation, upon submission of a renewal form provided by the division and upon payment of the renewal fee and submission of evidence of fulfilling the membership requirements, as of the date of renewal application, of the National Board for Certified Counselors (NBCC), National Academy of Certified Clinical Mental Health Counselors (NACCMHC), or other national mental health certifying organization acceptable to the Board.

(b) If the renewal fee is not paid by the expiration date, a license shall automatically expire.

(c) A license which has thus expired may within five years after its expiration date be reactivated upon the payment to the Board of a sum established by the rules and regulations of the Board. Reactivation of an expired license more than five years after its expiration date may be renewed only by complying with the provisions relating to the issuance of an original license.

(d) The Board shall keep an inactive register. Any person who has been licensed in this State and is neither residing within the State nor actively practicing as a LPCMH or LACMH in the State may, upon written request, be placed upon the inactive register. Provisions for resuming active status shall be established by the Board.

§3012. Reciprocity.

(a) Upon payment of the appropriate fee, the Board shall waive all examination or education requirements and grant a license to any applicant who shall present proof of current licensure as a professional counselor or associate counselor in another State, the District of Columbia or any territory of the United States which requires standards for licensure considered by the Board to be equivalent to the requirements for licensure under this chapter.

(b) Under receipt of an application for reciprocity, the Board shall contact each jurisdiction which has previously licensed the applicant to determine whether or not there are disciplinary proceedings or unresolved complaints pending against the applicant. In the event that a disciplinary proceeding or unresolved complaint is pending, the applicant shall not be licensed until the proceeding or complaint has been resolved.

§3013. Privileged communications.

Communications between a Licensed Professional Counselor of Mental Health or Licensed Associate Counselor of Mental Health and client shall be considered confidential to the same extent as provided by Delaware Rule of Evidence 503.

§3014. Unlawful practices; penalties.

(a) Practitioners regulated under this chapter shall be subject to disciplinary action by the Board if, after the hearing, the Board finds:

(1) The practitioner has employed or knowingly cooperated in fraud or material deception in order to be licensed or otherwise authorized to practice professional counseling;

(2) Illegal, incompetent or negligent conduct in the practice of professional counseling;

(3) The practitioner habitually indulges in the use of narcotics or other unlawful drugs or is habitually intemperate;

(4) The practitioner has been convicted of any felony or any misdemeanor involving dishonesty within the last five years.

(5) The practitioner, in the course of his profession, has willfully engaged in an act of consumer fraud or deception, restraint of trade or competition or participated in price fixing activities;

(6) The practitioner, directly or indirectly, has engaged in the division, transfer, assignment, rebate or refunding of fees received for professional services, or profited by means of a credit or other valuable consideration such as wages, an unearned commission, discount or gratuity, with any person who referred a patient, or with any relative or business associate of the referring person. This does not preclude a practitioner for practicing or being employed by a licensed physician, hospital, health maintenance organization, nursing home, home health agency, rehabilitation agency or public or nonpublic school. Nothing in this section shall be construed as prohibiting the members of any regularly and properly organized business entity recognized under Delaware law, and composed of professional counselors, from making any division of their total fees among themselves as they determined by contract, necessary to defray their joint operating costs;

(7) The practitioner has violated any provision of this chapter or any rule or regulation of the Board.

(b) A practitioner shall be subject to nondisciplinary remedial action if, after a hearing, the Board finds that there is a threat to the health, safety and welfare of the public due to:

(1) Physical illness or loss of motor skill, including but not limited to deterioration through the aging process;

(2) Temporary emotional disorder or mental illness; or

(3) Permanent emotional disorder or mental illness.

(c) If a practitioner's physical or mental capacity is at issue in a nondisciplinary remedial proceeding, the Board may order the practitioner to submit to a reasonable physical or mental examination. Failure to comply with a lawful order to submit to a physical or mental examination, shall render a practitioner liable to temporary suspension or revocation of license.

(d) Where a practitioner fails to comply with the Board's request that he submit to an examination or attend a hearing, the Board may petition the Superior Court to order such examination or attendance, and the Court shall have jurisdiction to issue such order.

§3015. Remedial action and disciplinary sanctions.

(a) The Board may impose any of the following sanctions, singularly or in combination, when it finds that one of the conditions or violations set forth in this chapter applies to a practitioner regulated by this chapter:

(1) Issue a letter of reprimand;

(2) Censure a practitioner publicly;

(3) Place a practitioner on probationary status and require the practitioner to:

a. Report regularly to the Board upon matters which are the basis of the probation;

b. Limit all practice and professional activities to those areas prescribed by the Board;

c. Continue to renew his/her professional education until the required degree of skill has been attained in those areas which are the basis of the Board action. Documentation of this professional education must be submitted to the board;

d. Suspend any practitioner's license; or

e. Revoke any practitioner's license.

(b) The Board may withdraw or reduce conditions of probation when it finds that the deficiencies which required the action have been remedied.

(c) The Board may temporarily suspend a practitioner's license in advance of a final adjudication or during the appeal process, but only in the cases where there is clear and immediate danger to the health, safety or welfare of the public if the licensee is allowed to continue to practice.

(d) Where a license has been suspended due to a disability of the licensee, the Board may reinstate a license if, after a hearing, the Board is satisfied that the licensee is able to practice with reasonable skill and safety.

(e) As a condition to reinstatement of a suspended license or removal from probationary status, the Board may impose such disciplinary or corrective measures as are authorized under this chapter.

§3016. Complaints; Board hearing; procedure.

(a) Any member of the public or practitioner who has a question or complaint concerning any aspect of the practice of a practitioner licensed under this chapter may, during the regular business hours of the business day, contact the Board of the division of Professional Regulation or voice such question or complaint at a business meeting of the Board.

(b) Upon the receipt of a complaint against a practitioner, the Board shall determine what action, if any, it shall take. If the Board decides not to take any further action, and the complainant is known to the Board, the Board shall forward by letter to the complainant its reasons for not taking further action. Where the Board has determined to take further action the matter shall be heard by the Board within 90 days of receiving the complaint unless circumstances surrounding the complaint warrant a lengthier investigation. The Board shall fix the time and place for a full hearing of the matter, and shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be personally delivered or served upon the practitioner at least 30 days before the date fixed for the hearing. In cases where the practitioner cannot be located or where personal service cannot be effected, substitute service will be effected in the same manner as a civil litigation.

(c) All hearings shall be informal and evidence shall be received without regard to the formal rules of evidence. If the Board finds, by a majority vote of all members, that the complaint has merit, the board shall take such action permitted under this chapter as it deems necessary. The board's decision shall be in writing and shall include its reasons for such a decision. A copy of the decision shall be mailed immediately to the complainant and to the practitioner. The Board's decision shall become effective on the 30th day after the date it is mailed or served on the practitioner, unless there is an appeal to the Superior Court within that time. Where either the complainant or the practitioner is in disagreement with the action of the Board, either person may appeal the Board's decision to the Superior Court within 30 days of service or of the postmark date of the copy of the Board's decision. Upon such appeal the Court shall hear the evidence upon the record and the filing of an appeal shall act as a stay of the Board's decision, pending final determination of the appeal.

§3017. Penalties.

(a) Where the Board has determined that a person is practicing as a Licensed Professional Counselor of Mental Health or as a Licensed Associate Counselor of Mental Health within this State without having lawfully obtained a license or that a person previously licensed is unlawfully practicing although his license has been suspended or revoked, the Board shall make complaint to the Attorney General and may issue a cease and desist order. The complaint shall include all evidence known to or in the possession of the Board.

(b) Any applicant who knowingly or willfully makes a false statement of fact in making an application under this chapter shall be subject to prosecution for perjury. The Board shall have full authority to investigate, in accordance with law, every applicant for a license or registration regarding that applicant's qualifications. Any prosecution under this subsection for perjury and its related offenses shall lie within the exclusive jurisdiction of the Superior Court.

(c) Any violation of subsection (a) of this section is a misdemeanor and upon the first offense, the offender shall be fined not less than $500.00 nor more than $1000.00 for each offense. For a second or subsequent conviction the fine shall be increased by $500.00 for each offense. The Court shall order all client fees received for unlawful services to be refunded."

Approved June 25, 1991.

CHAPTER 53

FORMERLY

SENATE BILL NO. 88
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTERS 5, 9, 13 AND 95 OF TITLE 10, DELAWARE CODE, RELATING TO APPEALS IN CERTAIN CIVIL ACTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 10, Delaware Code, by adding thereto a new §568 to read as follows:

"§568. Security of Appeals

(a) In all civil actions in which an appeal is taken from a lower court to the Superior Court, no bond shall be required to be posted as a condition of taking said appeal. The Superior Court may nevertheless stay execution upon the judgment appealed from and may require, by court rule or otherwise, that the appellant provide a supersedeas bond for such limited purpose.

(b) On appeal, a cash deposit may be made in lieu of a bond with security. When a cash deposit is made in lieu of a bond on appeal, the cash deposit shall be retained until the final determination of the cause, and shall be subject to the lien of the judgment appealed from and costs, interest thereon and the costs of the appeal.

(c) The bond or any other security required under this Section need not be given by:

(1) The State or any political subdivision thereof, authorized to sue or be sued;

(2) Any officer or employee of the State or any political subdivision thereof, suing or being sued in his representative capacity as such officer or employee; or

(3) Any board or committee of the State or any of its political subdivisions suing or being sued in its official capacity."

Section 2. Amend §961(b), Title 10, Delaware Code by deleting the phrase "upon giving surety for costs as provided in this section," as it appears therein in its entirety.

Section 3. Amend §1318, Chapter 13, Title 10, Delaware Code, by striking said Section in its entirety and substituting in lieu thereof a new §1318 to read as follows:

"§1318. Appeal in Civil Actions

(a) From any final order, ruling, decision, or judgment of the Court in a civil action there shall be the right of appeal to the Superior Court of the State in the county in which said order, ruling, decision, or judgment was rendered.

(b) The appeal shall be taken within thirty days of the final order, ruling, decision, or judgment.

(c) The appeal shall be reviewed on the record and shall not be tried de novo.

(d) The Superior Court shall establish appeal procedures and supersedeas bond requirements by rule."

Section 4. Amend §9571, Chapter 95, Title 10, Delaware Code, by striking said Section in its entirety and substituting in lieu thereof a new §9571 to read as follows:

"§9571. Appeal in Civil Actions

(a) From any final order, ruling, decision, or judgment of the Court in a civil action there shall be the right of appeal to the Superior Court of the State in the county in which said order, ruling, decision, or judgment was rendered.

(b) The appeal shall be taken within fifteen days of the final order, ruling, decision, or judgment.

(c) The appeal shall be a trial de novo.

(d) The Superior Court shall establish appeal procedures and supersedeas bond requirements by rule."

Section 5. Amend §9572, Chapter 95, Title 10, Delaware Code, by striking said Section in its entirety and renumbering all subsequent sections accordingly.

Section 6. The Act shall become effective 30 days after its enactment.

Approved June 25, 1991.

CHAPTER 54

FORMERLY

HOUSE BILL NO. 183
AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2 AND 3

AN ACT TO AMEND CHAPTER 7, TITLE 4, DELAWARE CODE RELATING TO SHIPPING OF ALCOHOLIC LIQUOR BY THE MANUFACTURER OR IMPORTER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend §718(b), Chapter 7, Title 4, Delaware Code by striking said subsection in its entirety and substituting in lieu thereof the following:

"(b) If alcoholic liquor is to be shipped to a point within or without this State by the manufacturer or importer thereof, the shipment shall only be made by common carrier, by vehicle owned or hired by the manufacturer or importer, or employee thereof, under the rules of the Commission. 'Shipped' as used in this subsection shall mean any movement of alcoholic beverage to any location other than the manufacturer's or importer's storage location."

Approved June 25, 1991.

CHAPTER 55

FORMERLY

HOUSE SUBSTITUTE NO. 1

TO

HOUSE BILL NO. 141

AN ACT TO AMEND TITLE 18, DELAWARE CODE, CHAPTER 44, TO SET FORTH IN GREATER DETAILS THE OBLIGATIONS AND POWERS OF THE DELAWARE LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4402, Chapter 44, Title 18 of the Delaware Code by deleting it in its entirety and by substituting in lieu thereof the following:

"§4402. Purpose.

The purpose of this chapter is to protect, subject to certain limitations, the persons specified in §4403(a) against failure in the performance of contractual obligations, under life and health insurance policies and annuity contracts specified in §4403(b), because of the impairment or insolvency of the member insurer that issued the policies or contracts. To provide this protection, an association of insurers is created to pay benefits and to continue coverage as limited herein, and members of the Association are subject to assessment to provide funds to carry out the purpose of this chapter."

Section 2. Amend §4403, Chapter 44, Title 18 of the Delaware Code by deleting it in its entirety and substituting in lieu thereof the following:

"§4403. Coverage and Limitations.

(a) This chapter shall provide coverage, for the policies and contracts specified in subsection (b), to:

(1) persons who, regardless of where they reside (except for non-resident certificate holders under group policies or contracts), are the beneficiaries, assignees or payees of the persons covered under paragraph (2) and;

(2) persons who are owners of or certificate holders under such policies or contracts, or in the case of unallocated annuity contracts, to the persons who are the contract holders, and who:

a. are residents, or

b. are not residents, but only under all of the following conditions:

1. the insurers which issued such policies or contracts are domiciled in this state,

2. such insurers never held a license or certificate of authority in the states in which such persons reside,

3. such states have associations similar to the association established in this Chapter and

4. such persons are not eligible for coverage by such associations where they reside.

(b)(1) This chapter shall provide coverage to the persons specified in subsection (a) for direct, non-group life, health, annuity and supplemental policies or contracts, for certificates under direct group policies and contracts, and for unallocated annuity contracts issued by member insurers, except as limited by this chapter. Annuity contracts and certificates under group annuity contracts include but are not limited to guaranteed investment contracts, deposit administration contracts, unallocated funding agreements, lottery contracts and any immediate or deferred annuity contracts.

(2) This chapter shall not provide coverage for the following:

a. any portion of a policy or contract not guaranteed by the insurer, or under which the risk is borne by the policy or contract holder;

b. any policy or contract of reinsurance, unless assumption certificates have been issued;

c. any portion of a policy or contract to the extent that the rate of interest on which it is based:

1. averaged over the period of four years prior to the date on which the Association becomes obligated with respect to such policy or contract; exceeds a rate of interest determined by subtracting two percentage points from Moody's Corporate Bond Yield Average averaged for that same four year period or for such lesser period if the policy or contract was issued less than four years before the Association became obligated; and

2. on and after the date on which the Association becomes obligated with respect to such policy or contract, exceeds the rate of interest determined by subtracting three percentage points from Moody's Corporate Bond Yield Average as most recently available;

d. any plan or program of an employer, association or similar entity to provide life, health, or annuity benefits to its employees or members to the extent that such plan or program is self-funded or uninsured, including but not limited to benefits payable by an employer, association or similar entity under any of the following:

1. a Multiple Employer Welfare Arrangement as definded in section 514 of the Employees Retirement Income Security Act of 1974, as amended;

2. a minimum premium group insurance plan;

3. a stop-loss group insurance plan; or

4. an administrative services only contract;

e. any portion of a policy or contract to the extent that it provides dividends or experience rating credits, or provides that any fees or allowances be paid to any person, including the policy or contract holder, in connection with the service to or administration of such policy or contract;

f. any policy or contract issued in this state by a member insurer at a time when it was not licensed or did not have a certificate of authority to issue such policy or contract in this state;

g. any unallocated annuity contract issued to an employee benefit plan protected under the federal Pension Benefit Guaranty Corporation; or

h. any portion of any unallocated annuity contract which is not issued to or in connection with a specific employee, union or association of natural persons benefit plan or a government lottery.

(c) The benefits for which the Association may become liable shall in no event exceed the lesser of the following:

(1) the contractual obligations for which the insurer is liable or would have been liable if it were not an impaired or insolvent insurer, or

(2) (A) with respect to any one life, regardless of the number of policies or contracts:

a. $300,000 in life insurance death benefits, but not more than $100,000 in net cash surrender and net cash withdrawal values for life insurance;

b. $100,000 in health insurance benefits, including any net cash surrender and net cash withdrawal values; or

c. $100,000 in the present value of annuity benefits, including net cash surrender and net cash withdrawal values.

d. However in no event shall the Association be liable to expend more than $300,000 in the aggregrate with respect to any one life under subparagraphs a., b., and c. and 3 above;

1. with respect to each individual participating in a governmental retirement plan established under §§401 (K), 403(b) or 457 of the U.S. Internal Revenue Code covered by an unallocated annuity contract, or the beneficiaries of each such individual if deceased, $100,000 in the aggregate in present value annuity benefits, including net cash surrender and net cash withdrawal values; or

2. with respect to any one contract holder, $1,000,000 in unallocated annuity contract benefits, irrespective of the number of such contracts held by that contract holder."

Section 3. Amend §4405, Chapter 44, Title 18 of the Delaware Code by deleting it in its entirety and by substituting in lieu thereof the following:

"§4405. Definitions.

As used in this chapter:

(a) "Account" means any of the three accounts created under §4406.

(b) "Association" means the Delaware Life and Health Insurance Guaranty Association created under §4406.

(c) "Commissioner" means the Commissioner of Insurance of this state.

(d) "Contractual obligation" means any obligation under a policy or contract or certificate under a group policy or contract, or portion thereof, for which coverage is provided under §4403.

(e) "Covered policy" means any policy or contract within the scope of this chapter under §4403.

(f) "Impaired insurer" means a member insurer which, after the effective date of the chapter, is not an insolvent insurer, and (1) is deemed by the Commissioner to be potentially unable to fulfill its contractual obligations or (2) is placed under an order of rehabilitation or conservation by a court of competent jurisdiction.

(g) "Insolvent insurer" means a member insurer which, after the effective date of this chapter, is placed under an order of liquidation by a court of competent jurisdiction with a finding of insolvency.

(h) "Member insurer" means any insurer licensed or which holds a certificate of authority to transact in the state any kind of insurance for which coverage is provided under §4403, and includes any insurer whose license or certificate of authority in this state may have been suspended, revoked, not renewed or voluntarily withdrawn, but does not include:

(1) A non-profit hospital or medical service organization;

(2) A health maintenance organization;

(3) A fraternal benefit society;

(4) A mandatory state pooling plan;

(5) A mutual assessment company or any entity that operates on an assessment basis;

(6) An insurance exchange; or

(7) An entity similar to any of the above.

(i) "Moody's Corporate Bond Yield Average" means the Monthly Average Corporates as published by Moody's Investors Service, Inc., or any successor thereto.

(j) "Person" means any individual, corporation, partnership, association or voluntary organization.

(k) "Premiums" means amounts received on covered policies or contracts less premiums, considerations and deposits returned thereon, and less dividends and experience credits thereon. "Premiums" does not include any amounts received for any policies or contracts or for the portions of any policies or contracts for which coverage is not provided in §4403 (b) except that assessible premium shall not be reduced on account of §4403 (b)(2) c relating to interest limitations and §4403 (c) (2) relating to limitations with respect to any one life and any one contractholder; provided that "premiums" shall not include any premiums in excess of one million dollars on any unallocated annuity contract not issued under a governmental retirement plan established under §§401 (K), 403 (b) or 457 of the United States Internal Revenue Code.

(l) "Resident" means any person who resides in this state at the time a member insurer is determined to be an impaired or insolvent insurer and to whom a contractual obligation is owed. A person may be a resident of only one state, which in the case of a person other than a natural person shall be its principal place of business.

(m) "Supplemental contract" means any agreement entered into for the distribution of policy or contract proceeds.

(n) "Unallocated annuity contract" means any annuity contract or group annuity certificate which is not issued to and owned by an individual, except to the extent of any annuity benefits guaranteed to an individual by an insurer under such contract or certificate."

Section 4. Amend §4408, Chapter 44, Title 18 of the Delaware Code by deleting it in its entirety and by substituting in lieu thereof the following:

"§4408. Powers and Duties of the Association.

(a) If a member insurer is an impaired domestic insurer, the Association may, in its discretion, and subject to any conditions imposed by the Association that do not impair the contractual obligations of the impaired insurer, that are approved by the Commissioner, and that are, except in cases of court ordered conservation or rehabilitation, also approved by the impaired insurer:

(1) guarantee, assume or reinsure, or cause to be guaranteed, assumed or reinsured, any or all of the policies or contracts of the impaired insurer;

(2) provide such monies, pledges, notes, guarantees, or other means as are proper to effectuate paragraph (1) and assure payment of the contractual obligations of the impaired insurer pending action under paragraph (1); and

(3) loan money to the impaired insurer.

(b)(1) If a member insurer is an impaired insurer, whether domestic, foreign or alien, and the insurer is not paying claims timely, then subject to the preconditions specified in paragraph (2), the Association shall, in its discretion, either:

a. take any of the actions specified in subsection (a), subject to the conditions therein, or

b. provide substitute benefits in lieu of the contractual obligations of the impaired insurer solely for health claims, periodic annuity benefit payments, death benefits, supplemental benefits, and cash withdrawals for policy or contract owners who petition therefor under

claims of emergency or hardship in accordance with standards proposed by the Association and approved by the Commissioner.

(2) The Association shall be subject to the requirements of paragraph (1) only if the laws of the impaired insurer's state of domicile provide that until all payments of or on account of the impaired insurer's contractual obligations by all guaranty associations, along with all expenses thereof and interest on all such payments and expenses, shall have been re-paid to the guaranty association or a plan of repayment by the impaired insurer shall have been approved by the guaranty associations:

a. the delinquency proceeding shall not be dismissed,

b. neither the impaired insurer nor its assets shall be returned to the control of its shareholders or private management, and

c. it shall not be permitted to solicit or accept new business or have any suspended or revoked license restored; and

d. when the impaired insurer is a domestic insurer, it has been placed under an order of rehabilitation by a court of competent jurisdiction in this state, and

e when the impaired insurer is a foreign or alien insurer,

(1) it has been prohibited from soliciting or accepting new business in this state,

(2) its certificate of authority has been suspended or revoked in this state, and

(3) a petition for rehabilitation or liquidation has been filed in a court of competent jurisdiction in its state of domicile by the commissioner of that state.

(c) If a member insurer is an insolvent insurer, the Association shall, in its discretion, either:

(1) a. guaranty, assume or reinsure, or cause to be guaranteed, assumed or reinsured, the policies or contracts of the insolvent insurer; or

b. assure payment of the contractual obligations of the insolvent insurer; and

c. provide such monies, pledges, guarantees, or other means as are reasonably necessary to discharge such duties; or

(2) with respect only to life and health insurance policies, provide benefits and coverages in accordance with subsection (d).

(d) When proceeding under subsections (b)(1) a. or (c)(2), the Association shall with respect to only life and health insurance policies:

(1) assure payment of benefits for premiums identical to the premiums and benefits (except for terms of conversion and renewability) that would have been payable under the policies of the insolvent insurer for claims incurred:

a. with respect to group policies, not later than the earlier of the next renewal date under such policies or contracts or 45 days, but in no event less than 30 days, after the date on which the Association becomes obligated with respect to such policies; and

b. with respect to individual policies, not later than the earlier of the next renewal date (if any) under such policies or one year, but in no event less than 30 days, from the date on which the Association becomes obligated with respect to such policies;

(2) make diligent efforts to provide all known insureds or group policyholders with respect to group policies 30 days notice of the termination of the benefits provided; and

(3) with respect to individual policies, make available to each known insured, or owner if other than the insured, and with respect to an individual formerly insured under a group policy who is not eligible for replacement group coverage, substitute coverage on an individual basis in accordance with the provisions of subsection (e) of this section, if the insureds have a right under law or the terminated policy to convert coverage to individual coverage or to continue an individual policy in force until a specified age or for a specified time, during which the insurer had no right unilaterally to make changes in any provision of the policy or had a right only to make changes in premium by class.

(e)(1) In providing the substitute coverage required under paragraph (3) of subsection (d), the Association may offer either to reissue the terminated coverage or to issue an alternative policy.

(2) Alternative or reissued policies shall be offered without requiring evidence of insurability, and shall not provide for any waiting period or exclusion that would not have applied under the terminated policy.

(3) The Association may reinsure any alternative or reissued policy.

(4) Alternative policies adopted by the Association shall be subject to the approval of the Commissioner. The Association may adopt alternative policies of various types for future issuance without regard to any particular impairment or insolvency.

(5) Alternative policies shall contain at least the minimum statutory provisions required in this state and provide benefits that shall not be unreasonable in relation to the premium charged. The Association shall set the premium in accordance with a table of rates which it shall adopt. The premium shall reflect the amount of insurance to be provided and the age and class of risk of each insured, but shall not reflect any changes in the health of the insured after the original policy was last underwritten.

(6) Any alternative policy issued by the Association shall provide coverage of a type similar to that of the policy issued by the impaired or insolvent insurer, as determined by the Association.

(7) If the Association elects to reissue terminated coverage at a premium rate different from that charged under the terminated policy, the premium shall be set by the Association in accordance with the amount of insurance provided and the age and class of risk, subject to approval of the Commissioner or by a court of competent jurisdiction.

(8) The Association's obligations with respect to coverage under any policy of the impaired or insolvent insurer or under any reissued or alternative policy shall cease on the date such coverage or policy is replaced by another similar policy by the policy holder, the insured, or the Association.

(f) When proceeding under subsections (b)(1) a. or (c) with respect to any policy or contract carrying guaranteed minimum interest rates, the Association shall assure the payment or crediting of a rate of interest consistent with §4403(b)(2)(C).

(g) Nonpayment of premiums within 31 days after the date required under the terms of any guaranteed, assumed, alternative or reissued policy or contract or substitute coverage shall terminate the Association's obligations under such policy or coverage under this chapter with respect to such policy or coverage, except with respect to any claim incurred or any net cash surrender value which may be due in accordance with the provisions of this chapter.

(h) Premiums due for coverage after entry of an order of liquidation of an insolvent insurer shall belong to and be payable at the direction of the Association, and the Association shall be liable for unearned premiums due to policy or contract owners arising after the entry of such order.

(i) The protection provided by this chapter shall not apply where any guaranty protection is provided to residents of this state by the laws of the domiciliary state or jurisdiction of the impaired or insolvent insurer other than this state.

(j) In carrying out its duties under subsections (b) and (c) of this section, the Association may, subject to approval by court:

(1) impose permanent policy or contract liens in connection with any guarantee, assumption or reinsurance agreement, if the Association finds that the amounts which can be assessed under this chapter are less than the amounts needed to assure full and prompt performance of the Association's duties under this chapter or that the economic or financial conditions as they affect member insurers are sufficiently adverse to render the imposition of such permanent policy or contract liens to be in the public interest; and

(2) impose temporary moratoriums or liens on payments of cash values and policy loans, or any other right to withdraw funds held in conjunction with policies or contracts, in addition to any contractual provisions for deferral of cash or policy loan value.

(k) If the Association fails to act within a reasonable period of time as provided in subsections (b)(1) b., (c) and (d) of this section, the Commissioner shall have the powers and duties of the Association under this chapter with respect to impaired or insolvent insurers.

(l) The Association may render assistance and advice to the Commissioner, upon his request, concerning rehabilitation, payment of claims, continuance of coverage, or the performance of other contractual obligations of any impaired or insolvent insurer.

(m) The Association shall have standing to appear before any court in this state with jurisdiction over an impaired or insolvent insurer concerning which the Association is or may become obligated under this chapter. Such standing shall extend to all matters germane to the powers and duties of the Association, including, but not limited to, proposals for reinsuring, modifying or guaranteeing the policies or contracts of the impaired or insolvent insurer and the determination of the policies or contracts and contractual obligations. The Association shall also have the right to appear or intervene before a court in another state with jurisdiction over an impaired or insolvent insurer for which the Association is or may become obligated or with jurisdiction over a third party against whom the Association may have the rights through subrogation of the insurer's policyholders.

(n) (1) Any person receiving benefits under this chapter shall be deemed to have assigned their rights under, and any causes of action relating to, the covered policy or contract to the Association to the extent of the benefits received because of this chapter, whether the benefits are payments of or on account of contractual obligations, continuation of coverage or provision of substitute or alternative coverage. The Association may require an assignment to it of such rights and causes of action by any payee, policy contract owner, beneficiary, insured or annuitant as a condition precedent to the receipt of any right or benefits conferred by this chapter upon such person.

(2) The subrogation rights of the Association under this subsection shall have the same priority against the assets of the impaired or insolvent insurer as that possessed by the person entitled to receive benefits under this chapter.

(3) In addition to paragraphs (1) and (2) above, the Association shall have all common law rights of subrogation and any other equitable or legal remedy which would have been available to the impaired or insolvent insurer or holder of a policy or contract with respect to such policy or contract.

(o) The Association may do the following:

(1) enter into such contracts as are necessary or proper to carry out the provisions and purposes of this chapter;

(2) sue or be sued, including taking any legal actions necessary or proper to recover any unpaid assessments under Section 4409 and to settle claims or potential claims against it;

(3) borrow money to effect the purposes of this chapter, whereby any notes or other evidence of indebtedness of the Association not in default shall be legal investments for domestic insurers and may be carried as admitted assets;

(4) employ or retain such persons as are necessary to handle the financial transactions of the Association, and to perform such other functions as become necessary or proper under this chapter;

(5) take such legal action as may be necessary to avoid payment of improper claims; and

(6) exercise, for the purposes of this chapter and to the extent approved by the Commissioner, the powers of a domestic life or health insurer, but in no case may the Association issue insurance policies or annuity contracts other than those issued to perform its obligations under this chapter.

(p) The Association may join an organization of one or more other state associations of similar purposes to further the purposes and administer the powers and duties of Association."

Section 5, Amend §4409, Chapter 44, Title 18 of the Delaware Code by deleting it in its entirety and by substituting in lieu thereof the following:

"§4409. Assessments.

(a) For the purpose of providing the funds necessary to carry out the powers and duties of the Association, the Board of Directors shall assess the member insurers, separately for each account, at such time and for such amounts as the Board finds necessary. Assessments shall be due not less than 30 days after prior written notice to the member insurers and shall accrue interest at 10% per annum on and after the due date.

(b) There shall be three classes of assessment as follows:

(1) Class A assessments, shall be made for the purpose of meeting administrative costs and other expenses and examinations conducted under the authority of §4412(e). class A assessments may be made whether or not related to a particular impaired or insolvent insurer.

(2) Class B assessments shall be made annually to provided for the oversight activity of the Commissioner, thereby minimizing the need to make Class C assessments.

(3) Class C assessments shall be made to the extent necessary to carry out the duties of the Association under this title with regards to an impaired or insolvent member insurer.

(c) (1) The amount of any Class A assessment shall be determined by the Board and may be made on a non-prorata basis and shall not exceed $150 per member insurer in any one calendar year.

(2) The amount of a Class B assessment shall be determined by the Commissioner who and shall so notify the Association not later then July 31 of the calendar year in which the assessment is to be made. A Class B assessment may be made on a non-prorata basis, but the amount shall not exceed one tenth of one percent of the members premium written during the calendar year preceeding the assessment. The amount assessed in conjuction with Class C assessments shall not result in members being assessed more than 2% of the premiums written in the applicable year. The proceeds of this assessment shall be paid by the Association into the Commissioner's Regulatory Revolving Fund.

(3) Class C assessments against member insurers for each account shall be in the proportion that the premiums received on business in this state by each assessed member insurer on policies or contracts covered by each account for the most recent calendar year for which information is

available preceding the year in which the insurer became impaired or insolvent, as the case may be, bears to such premiums received on business in this state for such calendar year by all assessed member insurers.

(4) Assessments for funds to meet the requirements of the Association with respect to an impaired or insolvent insurer shall not be made until necessary to implement the purposes of this chapter. Classification of assessments under subsection (b) of this section and computation of assessments under this subsection shall be made with a reasonable degree of accuracy, recognizing that exact determination may not always be possible.

(d) The Association may abate or defer, in whole or in part, the assessment of the member insurer if, in the opinion of the Board, payment of the assessment would endanger the ability of the member insurer to fulfill its contractual obligations. In the event an assessment against a member insurer is abated, or deferred in whole or in part, the amount by which such assessment is abated or deferred may be assessed against the other member insurers in a manner consistent with the basis for assessments set forth in this section.

(e) The total of all assessments upon a member insurer for each account shall not in any one calendar year exceed 2% of such insurer's average annual premiums received in this state on the policies and contracts covered by the account during the three calendar years preceding the year in which the insurer became an impaired or insolvent insurer. If the maximum assessment, together with the other assets of the Association, does not provide in any one year an amount sufficient to carry out the responsibilities of the Association, the necessary additional funds shall be assessed as soon thereafter as premitted by this chapter.

The Board may provide in the plan of operation a method of allocating funds among claims, whether relating to one or more impaired or insolvent insurers, when the maximum assessment will be insufficient to cover anticipated claims.

(f) The Board may, by an equitable method as established in the plan of operation, refund to member insurers, in proportion to the contribution of each insurer to that account, the amount by which the assets of the account exceed the amount the Board finds is necessary to carry out during the coming year the obligations of the Association with regard to that account, including assets accruing from assignment, subrogation, net realized gains and income from investments. A reasonable amount may be retained in any account to provide funds for the continuing expenses of the Association and for future losses.

(g) It shall be proper for any member insurer, in determining its premium rates and policy owner dividends as to any kind of insurance within the scope of this chapter, to consider the amount reasonably necessary to meet its assessment obligations under this chapter.

(h) The Association shall issue to each insurer paying a Class C assessment a certificate of contribution, in a form prescribed by the Commissioner, for the amount of the assessment so paid. All outstanding certificates shall be given equal dignity and priority without reference to amounts or dates of issue. A certificate of contribution may be shown by the insurer in its financial statement as an asset in such form and for such amount, if any, and period of time as the Commissioner may approve."

Section 6. Amend §4417, Chapter 44, Title 18 of the Delaware Code by adding, a sentence to the end of said section to read as follows:

"Such immunity shall extend to the participation in any organization of one or more other state associations of similar purposes and to any such organization and its agents or employees."

Section 7. Amend §4420, Chapter 44, Title 18 of the Delaware Code by deleting it in its entirety.

Section 8. This Act shall become effective immediately upon its adoption.

Approved June 25, 1991.

CHAPTER 56

FORMERLY

HOUSE BILL NO. 147

AN ACT TO AMEND LAWS OF DELAWARE, VOLUME 43, CHAPTER 189, AS AMENDED, THE CHARTER OF THE TOWN OF WYOMING, RELATING TO THE POWER OF THE TOWN OF WYOMING TO IMPOSE AND COLLECT A REALTY TRANSFER TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. That Section 18 of the Chapter 189, Volume 43, Laws of Delaware, be and the same is hereby amended by inserting a new paragraph between the first and second paragraphs thereof, to read as follows:

"Notwithstanding any statute to the contrary, the Town of Wyoming shall have the power by ordinance to impose and collect a tax, to be paid by the transferor or transferee as determined by Council, upon the transfer of real property within the Town, not to exceed one percent (1%) of the value of the real property as represented by the document transferring the real property. The provisions of Section 5401 and Section 5403 of Chapter 54, Title 30, of the Delaware Code shall apply with respect to any realty transfer tax imposed by the Town of Wyoming pursuant to the authority granted herein. The Town Council of the Town of Wyoming may adopt an ordinance or ordinances to provide for the effective administration and regulation of any realty transfer tax adopted pursuant to the authority granted herein. If the taxing power and authority granted herein shall be exercised by way of a stamp affixed to a document, the Recorder of Deeds in and for Kent County shall not receive for record documents subject to said tax unless stamps provided by the Town of Wyoming are affixed thereto showing payment of tax."

Approved June 25, 1991.

CHAPTER 57

FORMERLY

HOUSE BILL NO. 215

AN ACT TO AMEND TITLE 18, DELAWARE CODE TO ADOPT STANDARDS FOR RISK RETENTION GROUPS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 18 Delaware Code, by adding thereto a new chapter to read as follows:

"Chapter 80. Risk Retention Act.

§8001. Purpose.

The purpose of this Chapter is to regulate the formation and/or operation of risk retention groups and purchasing groups in this State formed pursuant to the provisions of the federal Liability Risk Retention Act of 1986 ("RRA 1986"), to the extent permitted by such law.

§8002. Definitions.

As used in this Chapter:

(1) "Commissioner" means the insurance commissioner of Delaware or the commissioner, director or superintendent of insurance in any other state;

(2) "Completed operations liability" means liability arising out of the installation, maintenance, or repair of any product at a site which is not owned or controlled by:

a. any person who performs that work; or

b. any person who hires an independent contractor to perform that work; but shall include liability for activities which are completed or abandoned before the date of the occurrence giving rise to the liability;

(3) "Domicile", for purposes of determining the state in which a purchasing group is domiciled, means:

a. for a corporation, the state in which the purchasing group is incorporated; and

b. for an unincorporated entity, the state of its principal place of business;

(4) "Hazardous financial condition" means that, based on its present or reasonably anticipated financial condition, a risk retention group, although not yet financially impaired or insolvent, is unlikely to be able:

a. to meet obligations to policy holders with respect to known claims and reasonably anticipated claims; or

b. to pay other obligations in the normal course of business;

(5) "Insurance" means primary insurance, excess insurance, reinsurance, surplus lines insurance, and any other arrangement for shifting and distributing risk which is determined to be insurance under the laws of this State;

(6) "Liability"

a. means legal liability for damages (including costs of defense, legal costs and fees, and other claims expenses) because of injuries to other persons, damage to their property, or other

damage or loss to such other persons resulting from or arising out of:

1. any business (whether profit or nonprofit), trade, product, services (including professional services), premises, or operations; or

2. any activity of any state or local government, or any agency or political subdivision thereof; and

b. does not include personal risk liability and an employer's liability with respect to its employees other than legal liability under the Federal Employers' Liability Act (45 U.S.C. 51 et seq.);

(7) "Personal risk liability" means liability for damages because of injury to any person, damage to property, or other loss or damage resulting from any personal, familial, or household responsibilities or activities, rather than from responsibilities or activities referred to in subparagraph of this section;

(8) "Plan of operation or a feasibility study" means an analysis which presents the expected activities and results of a risk retention group including, at a minimum;

a. information sufficient to verify that its members are engaged in businesses or activities similar or related with respect to the liability to which such members are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations;

b. for each state in which it intends to operate, the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer;

c. historical and expected loss experience of the proposed members and national experience of similar exposures to the extent that this experience is reasonably available;

d. pro forma financial statements and projections;

e. appropriate opinions by a qualified, independent casualty actuary, including a determination of minimum premium or participation levels required to commence operations and to prevent a hazardous financial condition;

f. identification of management, underwriting and claims procedures, marketing methods, managerial oversight methods, investment policies and reinsurance agreements;

g. identification of each state in which the risk retention group has obtained, or sought to obtain, a charter and license, and a description of its status in each such state; and

h. such other matters as may be prescribed by the commissioner of the state in which the risk retention group is chartered for liability insurance companies authorized by the insurance laws of that state;

(9) "Product liability" means liability for damages because of any personal injury, death, emotional harm, consequential economic damage, or property damage (including damages resulting from the loss of use of property) arising out of the manufacture, design, importation, distribution, packaging, labeling, lease, or sale of a product, but does not include the liability of any person for those damages if the product involved was in the possession of such a person when the incident giving rise to the claim occurred;

(10) "Purchasing group" means any group which:

a. has one of its purposes the purchase of liability insurance on a group basis;

b. purchases such insurance only for its group members and only to cover their similar or related liability exposure, as described in Paragraph (3);

c. is composed of members whose businesses or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar or common business, trade, product, services, premises or operations; and

d. is domiciled in any State;

(11) "Risk retention group" means any corporation or other limited liability association:

a. whose primary activity consists of assuming and spreading all, or any portion, of the liability exposure of its group members;

b. which is organized for the primary purpose of conducting the activity described under Paragraph (1);

c. which:

1. is chartered and licensed as a liability insurance company and authorized to engage in the business of insurance under the laws of any state; or

2. before January 1, 1985, was chartered or licensed and authorized to engage in the business of insurance under the laws of Bermuda or the Cayman Islands and, before such date, had certified to the insurance commissioner of at least one state that it satisfied the capitalization requirements of such state, except that any such group shall be considered to be a risk retention group only if it has been engaged in business continuously since such date and only for the purpose of continuing to provide insurance to cover product liability or completed operations liability (as such terms were defined in the Product Liability Risk Retention Act of 1981 before the date of the enactment of the Liability Risk Retention Act of 1986);

d. which does not exclude any person from membership in the group solely to provide for members of such a group a competitive advantage over such a person;

e. which:

(1) has as its owners only persons who comprise the membership of the risk retention group and who are provided insurance by such group; or

(2) has as its sole owner an organization which has as:

(i) its members only persons who comprise the membership of the risk retention group; and

(ii) its owners only persons who comprise the membership of the risk retention group and who are provided insurance by such group;

f. whose members are engaged in businesses or activities similar or related with respect to the liability of which such members are exposed by virtue of any related, similar or common business trade, product, services, premises or operations;

g. whose activities do not include the provision of insurance other than:

(1) liability insurance for assuming and spreading all or any portion of the liability of its group members; and

(2) reinsurance with respect to the liability of any other risk retention group (or any members of such other group) which is engaged in businesses or activities so that such

group or member meets the requirement described in Paragraph 6 from membership in the risk retention group which provides such reinsurance; and

h. the name of which includes the phrase "Risk Retention Group";

(12) "State" means any State of the United States or the District of Columbia.

§8003. Risk Retention Groups Chartered in this State.

a. A risk retention group shall, pursuant to the provisions of this Chapter, be chartered and licensed to write only liability insurance pursuant to this Chapter and, except as provided elsewhere in this Chapter, must comply with all of the laws, rules, regulations and requirements applicable to such insurers chartered and licensed in this State and with §8004 of this Chapter to the extent such requirements are not a limitation on laws, rules, regulations or requirements of this State.

b. Before it may offer insurance in any State, each risk retention group shall also submit for approval to the insurance commissioner of this State a plan of operation or feasibility study. The risk retention group shall submit an appropriate revision in the event of any subsequent material change in any item of the plan of operation or feasibility study, within ten days of any such change. The group shall not offer any additional kinds of liability insurance, in this state or in any other state, until a revision of such plan or study is approved by the commissioner.

c. At the time of filing its application for charter, the risk retention group shall provide to the commissioner in summary form the following information: the identity of the initial members of the group, the identity of those individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group, the amount and nature of initial capitalization, the coverages to be afforded, and the states in which the group intends to operate. Upon receipt of this information, the commissioner shall forward such information to the National Association of Insurance Commissioners. Providing notification to the National Association of Insurance Commissioners is in addition to and shall not be sufficient to satisfy the requirements of §8004 or any other sections of this Chapter.

§8004. Risk Retention Groups Not Chartered in this State.

Risk retention groups chartered and licensed in states other than this State and seeking to do business as a risk retention group in this State shall comply with the laws of this State as follows:

(1) Notice of Operations and Designation of Commissioner as Agent.

a. Before offering insurance in this State, a risk retention group shall submit to the commissioner:

(1) a statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, charter date, its principal place of business, and such other information, including formation on its membership, as the commissioner of this state may require to verify that the risk retention group is qualified under Section 8002(11) of this Chapter;

(2) a copy of its plan of operations or feasibility study and revisions of such plan or study submitted to the state in which the risk retention group is chartered and licensed; provided, however, that the provision relating to the submission of a plan of operation or feasibility study shall not apply with respect to any line or classification of liability insurance which:

(i) was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

(ii) was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date; and

b. The risk retention group shall submit a copy of any revision to its plan of operation or feasibility study required by Subsection 8003B of this Chapter at the same time that such revision is submitted to the commissioner of its chartering state.

c. a statement of registration, for which a filing fee shall be determined by the commissioner, which designates the commissioner as its agent for the purpose of receiving service of legal documents or process.

(2) Financial Condition. Any risk retention group doing business in this state shall submit to the commissioner:

a. a copy of the group's financial statement submitted to the state in which the risk retention group is chartered and licensed which shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American Academy of Actuaries or a qualified loss reserve specialist (under criteria established by the National Association of Insurance Commissioners);

b. a copy of each examination of the risk retention group as certified by the commissioner or public official conducting the examination;

c. upon request by the commissioner, a copy of any information or document pertaining to any outside audit performed with respect to the risk retention group; and

d. such information as may be required to verify its continuing qualification as a risk retention group under Subsection 8002K.

(3) Taxation:

a. Each risk retention group shall be liable for the payment of premium taxes and taxes on premiums of direct business for risks resident or located within this state, and shall report to the commissioner the net premiums written for risks resident or located within this state. Such risk retention group shall be subject to taxation, and any applicable fines and penalties related thereto, on the same basis as a foreign admitted insurer.

b. To the extent licensed agents or brokers are utilized pursuant to Section 8012 of this Chapter, they shall report to the commissioner the premiums for direct business for risks resident or located within this State which such licensees have placed with or on behalf of a risk retention group not chartered in this State.

c. To the extent that insurance agents or brokers are utilized pursuant to Section 12 of this Chapter, such agent or broker shall keep a complete and separate record of all policies procured from each such risk retention group, which record shall be open to examination by the commissioner, as otherwise provided in this title. These records shall, for each policy and each kind of insurance provided thereunder, include the following:

1. the limit of liability;

2. the time period covered;

3. the effective date;

4. the name of the risk retention group which issued the policy;

group or member meets the requirement described in Paragraph 6 from membership in the risk retention group which provides such reinsurance; and

h. the name of which includes the phrase "Risk Retention Group";

(12) "State" means any State of the United States or the District of Columbia.

§8003. Risk Retention Groups Chartered in this State.

a. A risk retention group shall, pursuant to the provisions of this Chapter, be chartered and licensed to write only liability insurance pursuant to this Chapter and, except as provided elsewhere in this Chapter, must comply with all of the laws, rules, regulations and requirements applicable to such insurers chartered and licensed in this State and with §8004 of this Chapter to the extent such requirements are not a limitation on laws, rules, regulations or requirements of this State.

b. Before it may offer insurance in any State, each risk retention group shall also submit for approval to the insurance commissioner of this State a plan of operation or feasibility study. The risk retention group shall submit an appropriate revision in the event of any subsequent material change in any item of the plan of operation or feasibility study, within ten days of any such change. The group shall not offer any additional kinds of liability insurance, in this state or in any other state, until a revision of such plan or study is approved by the commissioner.

c. At the time of filing its application for charter, the risk retention group shall provide to the commissioner in summary form the following information: the identity of the initial members of the group, the identity of those individuals who organized the group or who will provide administrative services or otherwise influence or control the activities of the group, the amount and nature of initial capitalization, the coverages to be afforded, and the states in which the group intends to operate. Upon receipt of this information, the commissioner shall forward such information to the National Association of Insurance Commissioners. Providing notification to the National Association of Insurance Commissioners is in addition to and shall not be sufficient to satisfy the requirements of §8004 or any other sections of this Chapter.

§8004. Risk Retention Groups Not Chartered in this State.

Risk retention groups chartered and licensed in states other than this State and seeking to do business as a risk retention group in this State shall comply with the laws of this State as follows:

(1) Notice of Operations and Designation of Commissioner as Agent.

a. Before offering insurance in this State, a risk retention group shall submit to the commissioner:

(1) a statement identifying the state or states in which the risk retention group is chartered and licensed as a liability insurance company, charter date, its principal place of business, and such other information, including formation on its membership, as the commissioner of this state may require to verify that the risk retention group is qualified under Section 8002(11) of this Chapter;

(2) a copy of its plan of operations or feasibility study and revisions of such plan or study submitted to the state in which the risk retention group is chartered and licensed; provided, however, that the provision relating to the submission of a plan of operation or feasibility study shall not apply with respect to any line or classification of liability insurance which:

(i) was defined in the Product Liability Risk Retention Act of 1981 before October 27, 1986; and

(ii) was offered before such date by any risk retention group which had been chartered and operating for not less than three years before such date; and

b. The risk retention group shall submit a copy of any revision to its plan of operation or feasibility study required by Subsection 8003B of this Chapter at the same time that such revision is submitted to the commissioner of its chartering state.

c. a statement of registration, for which a filing fee shall be determined by the commissioner, which designates the commissioner as its agent for the purpose of receiving service of legal documents or process.

(2) Financial Condition. Any risk retention group doing business in this state shall submit to the commissioner:

a. a copy of the group's financial statement submitted to the state in which the risk retention group is chartered and licensed which shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by a member of the American Academy of Actuaries or a qualified loss reserve specialist (under criteria established by the National Association of Insurance Commissioners);

b. a copy of each examination of the risk retention group as certified by the commissioner or public official conducting the examination;

c. upon request by the commissioner, a copy of any information or document pertaining to any outside audit performed with respect to the risk retention group; and

d. such information as may be required to verify its continuing qualification as a risk retention group under Subsection 8002K.

(3) Taxation:

a. Each risk retention group shall be liable for the payment of premium taxes and taxes on premiums of direct business for risks resident or located within this state, and shall report to the commissioner the net premiums written for risks resident or located within this state. Such risk retention group shall be subject to taxation, and any applicable fines and penalties related thereto, on the same basis as a foreign admitted insurer.

b. To the extent licensed agents or brokers are utilized pursuant to Section 8012 of this Chapter, they shall report to the commissioner the premiums for direct business for risks resident or located within this State which such licensees have placed with or on behalf of a risk retention group not chartered in this State.

c. To the extent that insurance agents or brokers are utilized pursuant to Section 12 of this Chapter, such agent or broker shall keep a complete and separate record of all policies procured from each such risk retention group, which record shall be open to examination by the commissioner, as otherwise provided in this title. These records shall, for each policy and each kind of insurance provided thereunder, include the following:

1. the limit of liability;

2. the time period covered;

3. the effective date;

4. the name of the risk retention group which issued the policy;

5. the gross premium charged; and

6. the amount of return premiums, if any.

(4) Compliance with Unfair Claims Settlement Practices Law.

Any risk retention group, its agents and representatives shall comply with the Unfair Claims Settlement Practices Act of this State.

(5) Deceptive, False, or Fraudulent Practices.

Any risk retention group shall comply with the laws of this State regarding deceptive, false or fraudulent acts or practices. However, if the commissioner seeks an injunction regarding such conduct, the injunction must be obtained from a court of competent jurisdiction.

(6) Examination Regarding Financial Condition.

Any risk retention group must submit to an examination by the commissioner to determine its financial condition if the commissioner of the jurisdiction in which the group is chartered and licensed has not initiated an examination or does not initiate an examination within sixty days after a request by the commissioner of this State. Any such examination shall be coordinated to avoid unjustified repetition and conducted in an expeditious manner and in accordance with NAIC's Examiner Handbook.

(7) Notice to Purchasers.

Every application form for insurance from a risk retention group, and every policy (on its front and declaration pages) issued by a risk retention group, shall contain in ten point type the following notice:

NOTICE

This policy is issued by your risk retention group. Your risk retention group may not be subject to all of the insurance laws and regulations of your State. State insurance insolvency guaranty funds are not available for your risk retention group.

(8) Prohibited Acts Regarding Solicitation or Sale.

The following acts by a risk retention group are hereby prohibited:

a. The solicitation or sale of insurance by a risk retention group to any person who is not eligible for membership in such group; and

b. The solicitation or sale of insurance by, or operation of, a risk retention group that is in hazardous financial condition or financially impaired.

9. Prohibition on Ownership by an Insurance Company.

No risk retention group shall be allowed to do business in this State if an insurance company is directly or indirectly a member or owner of such risk retention group, other than in the case of a risk retention group all of whose members are insurance companies.

10. Prohibited Coverage.

The terms of any insurance policy issued by any risk retention group shall not provide, or be construed to provide, coverage prohibited generally by statute of this state or declared unlawful by the highest court of this state whose law applies to such policy.

11. Delinquency Proceedings.

A risk retention group not chartered in this State and doing business in this State shall comply with a lawful order issued in a voluntary dissolution proceeding or in a delinquency proceeding commenced by a state insurance commissioner if there has been a

finding of financial impairment after an examination under Subsection 8004F of this Chapter.

12. Penalties.

A risk retention group that violates any provision of this Chapter will be subject to fines and penalties including revocation of its right to do business in this State, applicable to licensed insurers generally.

13. Operation Prior to Enactment of this Chapter.

In addition to complying with the requirements of this Section, any risk retention group operating in this State prior to enactment of this Chapter shall, within thirty days after the effective date of this Chapter, comply with the provision of Paragraph (1)a of this Section.

§8005. Compulsory Associations.

a. No risk retention group shall be required or permitted to join or contribute financially to any insurance retention group, or its insureds or claimants against its insureds, receive any benefit from any such fund for claims arising under the insurance policies issued by such risk retention group.

b. When a purchasing group obtains insurance covering its members' risks from an insurer not authorized in this state or a risk retention group, no such risks, wherever resident or located, shall be covered by any insurance guaranty fund or similar mechanism in this state.

c. When a purchasing group obtains insurance covering its members' risks from an authorized insurer, only risks resident or located in this state shall be covered by the state guaranty fund subject to Chapter 42.

§8006. Countersignatures not Required.

A policy of insurance issued to a risk retention group or any member of that group shall not be required to be countersigned as otherwise provided in Chapter 17 of the Insurance Code.

§8007. Purchasing Groups - Exemption from Certain Laws.

A purchasing group and its insurer or insurers shall be subject to all applicable laws of this State, except that a purchasing group and its insurer or insurers shall be exempt, in regard to liability insurance for the purchasing group, from any law that would:

(1) prohibit the establishment of a purchasing group;

(2) make it unlawful for an insurer to provide or offer to provide insurance on a basis providing, to a purchasing group or its members, advantages based on their loss and expense experience not afforded to other persons with respect to rates, policy forms, coverages or other matters;

(3) prohibit a purchasing group or its members from purchasing insurance on a group basis described in Subsection B of this Section;

(4) prohibit a purchasing group from obtaining insurance on a group basis because the group has not been in existence for a minimum period of time or because any member has not belonged to the group for a minimum period of time;

(5) require that a purchasing group must have a minimum number of members, common ownership or affiliation, or certain legal form;

(6) require that a certain percentage of a purchasing group must obtain insurance on a group basis;

(7) otherwise discriminate against a purchasing group or any of its members; or

(8) require that any insurance policy issued to a purchasing group or any of its members be countersigned by an insurance agent or broker residing in this State.

§8008. Notice and Registration Requirements of Purchasing Groups.

a. A purchasing group which intends to do business in this State shall, prior to doing business, furnish notice to the commissioner which shall:

(1) identify the state in which the group is domiciled;

(2) identify all other states in which the group intends to do business;

(3) specify the lines and classifications of liability insurance which the purchasing group intends to purchase;

(4) identify the insurance company or companies from which the group intends to purchase its insurance and the domicile of such company;

(5) specify the method by which, and the person or persons, if any, through whom insurance will be offered to its members whose risks are resident or located in this state;

(6) identify the principal place of business of the group; and

(7) provide such other information as may be required by the commissioner to verify that the purchasing group is qualified under Section 8002(10) of this Chapter.

b. A purchasing group shall, within ten days, notify the commissioner of any changes in any of the items set forth in Subsection (a) of this section.

c. The purchasing group shall register with and designate the commissioner as its agent solely for the purpose of receiving service of legal documents or process, for which a filing fee shall be determined by the commissioner, except that such requirements shall not apply in the case of purchasing group which only purchases insurance that was authorized under the federal Products Liability Risk Retention Act of 1981, and:

(1) which in any state of the United States:

a. was domiciled before April 1, 1986; and

b. is domiciled on and after October 27, 1986;

(2) which:

a. before October 27, 1986 purchased insurance from an insurance carrier licensed in any state; and

b. since October 27, 1986 purchased its insurance from an insurance carrier licensed in any state; or

(3) which was a purchasing group under the requirements of the Product Liability Risk Retention Act of 1981 before October 27, 1986.

d. Each purchasing group that is required to give notice pursuant to Subsection A of this Section shall also furnish such information as may be required by the commissioner to:

(1) verify that the entity qualifies as a purchasing group;

(2) determine where the purchasing group is located; and

(3) determine appropriate tax treatment.

e. Any purchasing group which was doing business in this state prior to the enactment of this Chapter shall, within thirty days after the effective date of this Chapter, furnish notice to the commissioner pursuant to the provisions of Subsection (a) of this section and furnish such information as may be required pursuant to Subsections (b) and (c) of this section.

§8009. Restrictions on Insurance Purchased by Purchasing Groups.

a. A purchasing group may not purchase insurance from a risk retention group that is not chartered in a state or from an insurer not admitted in the state in which the purchasing group is located, unless the purchase if effected through a licensed agent or broker acting pursuant to the surplus lines laws and regulations of such state.

b. A purchasing group which obtains liability insurance from an insurer not admitted in this state or a risk retention group shall inform each of the members of such group which have a risk resident or located in this state that such risk is not protected by an insurance insolvency guaranty fund in this state, and that such risk retention group or such insurer may not be subject to all insurance laws and regulations of this state.

c. No purchasing group may purchase insurance providing for a deductible or self-insured retention applicable to the group as a whole; however, coverage may provide for a deductible or self-insured retention applicable to individual members.

d. Purchases of insurance by purchasing groups are subject to the same standards regarding aggregate limits which are applicable to all purchases of group insurance.

§8010. Purchasing Group Taxation.

Premium taxes and taxes on premiums paid for coverage of risks resident or located in this state by a purchasing group or any members of the purchasing groups shall be:

(1) imposed at the same rate and subject to the same interest, fines and penalties as that applicable to premium taxes and taxes on premiums paid for similar coverage from a similar insurance source by other insureds; and

(2) paid first by such insurance source, and if not by such source by the agent or broker for the purchasing group, and if not by such agent or broker then by the purchasing group, and if not by such purchasing group then by each of its members.

§8011. Administrative and Procedural Authority Regarding Risk Retention Groups and Purchasing Groups.

The commissioner is authorized to make use of any of the powers established under the Insurance Code of this State to enforce the laws of this State not specifically preempted by the Risk Retention Act of 1986 including the commissioner's administrative authority to investigate, issue subpoena, conduct depositions and hearings, issue orders, impose penalties and seek injunctive relief. With regard to any investigation, administrative proceedings, or litigation, the commissioner can rely on the procedural laws of this state. The injunctive authority of the commissioner, in regard to risk retention groups, is restricted by the requirement that any injunction be issued by a court of competent jurisdiction.

§8012. Duty of Agents or Brokers to Obtain License.

a. No person, firm, association or corporation shall act or aid in any manner in soliciting, negotiating or procuring liability insurance in this state from a risk retention group unless such person, firm,

association or corporation is licensed as an insurance agent or broker in accordance with Chapter 17.

b. Purchasing groups.

(1) No person, firm, association or corporation shall act or aid in any manner in soliciting, negotiating or procuring liability insurance in this state for a purchasing group from an authorized insurer or a risk retention group chartered in a state unless such person, firm, association or corporation is licensed as an insurance agent or broker in accordance with Chapter 17.

(2) No person, firm, association or corporation shall act or aid in any manner in soliciting, negotiating or procuring liability insurance coverage in this state for any member of a purchasing group under a purchasing group's policy unless such person, firm, association or corporation is licensed as an insurance agent or broker in accordance with Chapter 17.

(3) No person, firm, association or corporation shall act or aid in any manner in soliciting, negotiating or procuring liability insurance from an insurer not authorized to do business in this state on behalf of a purchasing group located in this state unless such person, firm, association or corporation is licensed as a surplus lines agent or excess line broker in accordance with Chapter 17.

c. For purposes of acting as an agent or broker for a risk retention group or purchasing group pursuant to subsections A and B of this section, the requirement of residence in this state shall not apply.

d. Every person, firm association or corporation licensed pursuant to the provisions of Chapter 17, on business placed with risk retention groups or written through a purchasing group, shall inform each prospective insured of the provisions of the notice required by paragraph (7) of §8004 of this Chapter in the case of a risk retention group and Subsection (c) of §8009 of this Chapter in the case of a purchasing group.

§8013. Binding Effect of Orders Issued in U.S. District Court.

An order issued by any district court of the United States enjoining a risk retention group from soliciting or selling insurance, or operating in any state (or in all states or in any territory or possession of the United States) upon a finding that such a group is in hazardous financial or financially impaired condition shall be enforceable in the courts of the state.

§8014. Rules and Regulations.

The Commissioner may establish and from time to time amend such rules relating to risk retention groups as may be necessary or desirable to carry out the provisions of the Chapter."

Section 2. Severability.

If any clause, sentence, paragraph, section or part of this act or the application thereof to any person or circumstances, shall, for any reason, be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this Chapter, and the application thereof to other persons or circumstance, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered and to the person or circumstances involved.

Section 3. This Act shall become effective upon its adoption.

Approved June 25, 1991.

CHAPTER 58

FORMERLY

HOUSE BILL NO. 217

AN ACT TO AMEND SUBCHAPTER III OF CHAPTER 9 OF TITLE 18 OF THE DELAWARE CODE RELATING TO REINSURANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 910, Title 18 of the Delaware Code by deleting said section in its entirety and replacing it with the following:

"§910. Reinsurance.

Any authorized insurer may reinsure all or any part of an individual risk or of a particular class of risks in any other insurer, or accept such reinsurance from any other insurer, and, with the Commissioner's consent, may reinsure all of its risks in any other authorized insurer or reinsure all of the risks of any other insurer."

Section 2. Amend Subchapter III of Chapter 9 of Title 18 of the Delaware Code by adding a new Section 911 as follows:

"§911. Credit allowed a domestic ceding insurer.

Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of subsections (a) or (b) or (c) or (d) or (e) of this section. If meeting the requirements of subsections (c) or (d) of this section, the requirements of subsection (f) of this section must also be met.

(a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is licensed to transact insurance or reinsurance in this State.

(b) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited as a reinsurer in this State. An accredited reinsurer is one which:

(1) Files with the Commissioner evidence of its submission to this State;s jurisdiction;

(2) Submits to this State's authority to examine its books and records;

(3) Is licensed to transact insurance or reinsurance in at least one state, or in the case of a U.S. branch of an alien assuming insurer is entered through and licensed to transact insurance and reinsurance in at least one state;

(4) Files annually with the Commissioner a copy of its annual statement filed with the insurance department of its State of domicile and a copy of its most recent audited financial statement; and either

(a) Maintains a surplus as regards policyholders in an amount which is not less than $20,000,000 and whose accreditation has not been denied by the Commissioner within 90 days of its submission; or

(b) Maintains a surplus as regards policyholders in an amount less than $20,000,000 and whose accreditation has been approved by the Commissioner.

No credit shall be allowed a domestic ceding insurer if the assuming insurer's accreditation has been revoked by the Commissioner after notice and hearing.

(c) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is domiciled and licensed in, or in the case of a U.S. branch of an alien assuming insurer is entered through, a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this statute and the assuming insurer or U.S. branch of an alien assuming insurer:

(1) Maintains a surplus as regards policyholders in an amount not less that $20,000,000; and

(2) Submits to the authority of this State to examine its books and records.

Provided, however, that the requirement of subsection (c)(1) of this section does not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.

(d)(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified United States financial institution, as defined in §913(b) of this title, exclusively for the payment of the valid claims of its United State policyholders and ceding insurers, their assigns and successors in interest. The assuming insurer shall report annually to the Commissioner information substantially the same as that required to be reported on the NAIC Annual Statement form by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund. In the case of a single assuming insurer, the trust shall consist of a trusteed account representing the assuming insurer's liabilities attributable to business written in the United State and, in addition, the assuming insurer shall maintain a trusteed surplus of not less than $20,000,000. In the case of a group of individual unincorporated underwriters, the trust shall consist of a trusteed account representing the group's liabilities attributable to business written in the United States and, in addition, the group shall maintain a trusteed surplus of which $100,000,000 shall be held jointly for the benefit of United States ceding insurers of any member of the group; and the group shall make available to the Commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator and its independent public accountant.

(2) In the case of a group of incorporated insurers under common administration which complies with the filing requirements contained in the previous paragraph, and which has continuously transacted an insurance business outside the United States for at least 3 years immediately prior to making application for accreditation, and submits to this State's authority to examine its books and records and bears the expense of the examination, and which has aggregate policyholders' surplus of $10,000,000,000, the trust shall be in amount equal to the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group; plus the group shall maintain a joint trusteed surplus of which $100,000,000 shall be held jointly for the benefit of United States ceding insurers of any member of the group as additional security for any such liabilities, and each member of the group shall make available to the Commissioner an annual certification of the member's solvency by the member's domiciliary regulator and its independent public accountant.

(3) Such trust shall be established in a form approved by the Commissioner. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the Commissioner. The trust described herein must remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.

(4) No later than February 28th of each year the trustees of the trust shall report to the Commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31st.

(e) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of subsections (a), (b), (c) or (d) of this section but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction.

(f) If the assuming insurer is not licensed or accredited to transact insurance or reinsurance in this State, the credit permitted by subsections (c) and (d) of this section shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(1) That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, will comply with all requirements necessary to give such court jurisdiction, and will abide by the final decision of such court or of any Appellate Court in the event of an appeal; and

(2) To designate the Commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit or proceeding instituted by or on behalf of the ceding company.

This provision is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if such an obligation is created in the agreement."

Section 3. Amend Subchapter III of Chapter 9 of Title 18 of the Delaware Code by adding a new §912 as follows:

"§912. Reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer.

A reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of §911 of this title shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and such reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in §913(b) of this title. This security may be in the form of:

(a) Cash;

(b) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners and qualifying as admitted assets;

(c) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States institution, as defined in §913(a) of this title, no later than December 31st in respect of the year for which filing is being made, and in the possession of the ceding company on or before the filing date of its annual statement.

Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance (or confirmation) shall, notwithstanding the issuing (or confirming) institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification or amendment, whichever first occurs;

(d) Any other form of security acceptable to the Commissioner."

Section 4. Amend Subchapter III of Chapter 9 of Title 18 of the Delaware Code by adding a new §913 as follows:

"§913. Qualified United States financial institutions.

(a) For purposes of §912(c) of this title, a 'qualified United States financial institution' means an institution that:

(1) Is organized or (in the case of a U.S. office of a foreign banking organization) licensed under the laws of the United States or any state thereof;

(2) Is regulated, supervised and examined by U.S. federal or state authorities having regulatory authority over banks and trust companies; and

(3) Has been determined by either the Commissioner, or the Securities Valuation Office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the Commissioner.

(b) A 'qualified United States financial institution' means, for purposes of those provisions of this law specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that

(1) Is organized or (in the case of a U.S. branch or agency office of a foreign banking organization) licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and

(2) Is regulated, supervised and examined by federal or state authorities having regulatory authority over banks and trust companies."

Section 5. Amend Subchapter III of Chapter 9 of Title 18 of the Delaware Code by adding a new §914 as follows:

"§914. Additional requirements.

(a) Notwithstanding any other provision of §§911 or 912 of this title, no credit shall be allowed unless the reinsurance agreement provides that, in the event of insolvency of the ceding insurer, reinsurance proceeds will be paid to the ceding insurer or the liquidator on the basis of the amount of claim allowed in the insolvency proceeding without diminution by reason of the inability of the ceding insurer to pay all or any part of the claim.

(b) Upon request of the Commissioner an insurer shall promptly inform the Commissioner in writing of the cancellation or any other material change of any of its reinsurance treaties or arrangements."

Section 6. Amend Subchapter III of Chapter 9 of Title 18 of the Delaware Code by adding a new §915 as follows:

"§915. Rules and regulations.

The Commissioner may adopt rules and regulations implementing this Subchapter."

Section 7. Sections 2 and 3 of this Act shall apply to all cessions after January 1, 1992 under reinsurance agreements which have had an inception, anniversary, or renewal date after January 1, 1992.

Approved June 25, 1991.

CHAPTER 59

FORMERLY

SENATE BILL NO. 17
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 6, DELAWARE CODE, TO ESTABLISH A DELAWARE LEASE-PURCHASE AGREEMENT ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Title 6 of the Delaware Code by adding thereto a new Chapter 76 to read as follows:

"CHAPTER 76. DELAWARE LEASE-PURCHASE AGREEMENT ACT

§7601. Definitions

(a) Unless the context or subject matter otherwise clearly requires, the following definitions shall govern construction of this Chapter:

(1) 'Advertisement' means a commercial message in any medium that aids, promotes, or assists, directly or indirectly, a lease-purchase agreement.

(2) 'Cash price' means that price at which the lessor would have sold the property to the lessee for cash on the date of the lease-purchase agreement if the transaction were a sale instead of a lease-purchase agreement.

(3) 'Lessee' means a natural person who rents personal property under a lease-purchase agreement to be used primarily for personal, family or household purposes.

(4) 'Consummation' means the time a lessee becomes contractually obligated on a lease-purchase agreement.

(5) 'Lessor' means a person who regularly provides the use of property through lease-purchase agreements and to whom lease payments are initially payable on the face of the lease-purchase agreement.

(6) 'Lease-purchase agreement' means an agreement for the use of personal property by a natural person primarily for personal, family, or household purposes, for an initial period of four months or less that is automatically renewable with each payment after the initial period, but does not obligate or require the lessee to continue leasing or using the property beyond the initial period, and that permits the lessee to become the owner of the property.

§7602. Inapplicability of Other Laws-Exempted Transactions

(a) Lease-purchase agreements which comply with this Chapter are not governed by the laws relating to:

(1) A 'retail installment contract' or 'contract' as defined in 6 Del. C. §4301(6).

(2) A 'security interest' as defined in the Uniform Commercial Code Section 1-201(37).

(b) This Chapter does not apply to the following:

(1) Lease-purchase agreements primarily for business, commercial, or agricultural purposes, or those made with governmental agencies or instrumentalities or with organizations;

(2) A lease of safe deposit box;

(3) A lease or bailment of personal property along with the lease of real property; or

(4) A lease of an automobile.

(5) The lease of real property and/or the fixed improvements thereon.

§7603. Disclosures

(a) For each lease-purchase agreement, the lessor shall disclose in the agreement the following items, as applicable:

(1) The total number, total amount and timing of all payments necessary to acquire ownership of the property;

(2) A statement that the lessee will not own the property until the lessee has made the total amount of the payments necessary to acquire ownership;

(3) A statement that the lessee is responsible for the fair market value of the property if, and as of the time, it is lost, stolen, damaged, or destroyed;

(4) A brief description of the leased property, sufficient to identify the property to the lessee and the lessor, including an identification number, if applicable, and a statement indicating whether the property is new or used, but a statement that indicates new property is used is not a violation of this Chapter;

(5) A statement of the cash price of the property;

(6) The total of the initial lease payment paid or required at or before consummation of the agreement or delivery of the property, whichever is later;

(7) A statement that the total of lease payments necessary to acquire ownership does not include other charges, such as late payment, default, and reinstatement fees, which fees shall be separately disclosed in the contract;

(8) A statement clearly summarizing the terms of the lessee's option to purchase, including a statement that the lessee has the right to exercise an early purchase option using the formula or method for determining the price at which the property may be so purchased in accordance with §7609 of this Title;

(9) A statement identifying the party responsible for maintaining or servicing the property while it is being leased, together with a description of that responsibility, and a statement that if any part of a manufacturer's express warranty covers the lease property at the time the lessee acquires ownership of the property, it shall be transferred to the lessee, if allowed by the terms of the warranty;

(10) A statement that the lessee may terminate the agreement without penalty by voluntarily surrendering or returning the property in good repair upon expiration of any lease term along with any past due rental payments; and

(11) Notice of the right to reinstate an agreement as herein provided.

(b) With respect to matters specifically governed by the Federal Consumer Credit Protection Act, compliance with such Act satisfies the requirements of this section.

§7604. Form Requirements

(a) The disclosure information required by this Chapter must be disclosed in a lease-purchase agreement, and must:

(1) be made clearly and conspicuously with items appearing in logical order and segregated as appropriate for readability and clarity;

(2) be made in writing;

(3) need not be contained in a single writing or made in the order set forth in §7603 of this Title; and

(4) may be supplemented by additional information or explanations supplied by the lessor, but none shall be stated, used, or placed so as to mislead or confuse the lessee, or to contradict, obscure, or detract attention from the information required by §7603 of this Title, and so long as the additional information or explanations do not have the effect of circumventing, evading, or unduly complicating the information required to be disclosed by §7603 of this Title.

(b) Every lease-purchase agreement shall contain a notice in at least eight-point standard type, reading as follows:

'NOTICE TO THE LESSEE: (1) DO NOT SIGN THIS LEASE-PURCHASE AGREEMENT BEFORE YOU READ IT OR IF IT CONTAINS ANY BLANK SPACE. (2) YOU ARE ENTITLED TO A COMPLETELY FILLED-IN COPY OF THIS AGREEMENT. (3) UNDER THE LAW, YOU HAVE THE RIGHT TO EXERCISE AN EARLY PURCHASE OPTION WHICH WILL RESULT IN A LOWER COST TO ACQUIRE OWNERSHIP.'

(c) Timing. The lessor shall disclose all information required by §7603 of this Title before the lease-purchase agreement is executed. These disclosures must be made on the face of the writing evidencing the lease-purchase agreement.

(d) Copy to lessee

(1) Before any payment is due, the lessor shall furnish the lessee with an exact copy of each lease-purchase agreement. The agreement shall be signed by the lessee and is evidence of the lessee's agreement. If there is more than one lessee in a lease-purchase agreement, delivery of a copy of the lease-purchase agreement to one of the lessees constitutes compliance with this subdivision; however, a lessee not signing the agreement is not liable under it.

(2) Any acknowledgement by the lessee of delivery of a copy of the lease-purchase agreement shall be printed or written in a size equal to at least ten-point bold type and, if contained in the lease-purchase agreement, shall also appear directly above the space reserved for the lessee's signature.

(3) The lessee's written acknowledgement, conforming to the requirements of this Section for delivery of a copy of the lease-purchase agreement, shall create a conclusive presumption of such delivery and of compliance with this Section, in any action or proceeding by or against an assignee of the lease-purchase agreement without knowledge to the contrary when he purchases the contract.

(e) Type size. The terms of the lease-purchase agreement, except as otherwise provided in this Section, must be set forth in not less than eight-point standard type.

§7605. Blank Spaces

All blank spaces on lease-purchase agreement forms must be filled in before the lease-purchase agreement is executed. Blank spaces that are provided for items or terms not applicable to the agreement must be crossed out.

§7606. Advertising

(a) Prohibition. An advertisement for a lease-purchase agreement may not state or imply that a specific item is available at specific amounts or terms unless the lessor usually and customarily offers or will offer that item at those amounts or terms.

(b) Disclosures. If an advertisement for the lease-purchase agreement of a specific item refers to or states the amount of any payment,

or the right to acquire ownership, the advertisement must also clearly and conspicuously state the following terms as applicable:

(1) that the transaction advertised is a lease-purchase agreement;

(2) the total amount of the lease payments necessary to acquire ownership; and

(3) that the lessee will not own the property until the total amount necessary to acquire ownership is paid in full or by prepayment as provided for by law.

(c) Item price disclosures. Every item displayed or offered under a lease-purchase agreement shall have clearly and conspicuously indicated in Arabic numerals, so as to be readable and understandable by visual inspection, each of the following affixed to the item:

(1) the cash price of the item; and

(2) the amount of the lease payment and the total amount of the lease payments necessary to acquire ownership.

(d) Non-application. This section does not apply to the owner or personnel, as such, of any medium in which an advertisement appears or through which it is disseminated.

§7607. Lessee's Reinstatement Rights

(a) A lessee who fails to make timely lease payments may reinstate the original lease-purchase agreement without losing any rights or options previously acquired under the lease-purchase agreement if both of the following apply:

(1) after having failed to make a timely payment, the lessee has surrendered the property to the lessor, if and when requested by the lessor; and

(2) in the case of a lessee that has paid less than 60 percent of the total of payments necessary to acquire ownership of the property, not more than 60 days has passed since the lessee returned the property. If the lessee has paid more than 60 percent of the total of payments necessary to acquire ownership of the property, the lessee's rights to reinstate shall be extended for a period of not less than 180 days after the lessee has returned the property.

(b) Charges. As a condition to reinstating a lease-purchase agreement, a lessor may charge the outstanding balance of any accrued payments and delinquency charges, a reinstatement fee not to exceed $5.00, and a reasonable delivery charge, if redelivery of the item is necessary.

(c) Substitute items. If reinstatement occurs pursuant to this section, the lessor shall provide the lessee with the same item, if available, leased by the lessee before reinstatement. If the same item is not available, a substitute item of comparable worth, quality, and condition may be used. If a substitute item is provided, the lessor shall provide the lessee with all the information required by §7603 of this Title.

§7608. Prohibited Provisions

A lease-purchase agreement may not contain a provision:

(1) requiring a confession of judgment;

(2) authorizing a lessor or an agent of the lessor to commit a breach of the peace in the repossession of property;

(3) waiving a defense, counterclaim, or right the lessor may have against the lessor or an agent of the lessor or any assignee of lessor;

(4) requiring the payment of a late charge unless a lease payment is delinquent for more than two business days, and the charge or fee

shall not be in an amount more than the greater of ten percent of the delinquent lease payment or $3.00;

(5) requiring a separate payment in addition to lease payments in order to acquire ownership of the property, other than by exercising an early purchase option pursuant to §7609 of this Title;

(6) requiring a waiver of any right of action against the lessor or holder of the lease-purchase agreement or other person acting on his behalf, for any illegal act committed in the collection of payment or recover under the lease-purchase agreement or in the repossession of goods.

§7609. Early Purchase Option

A lease purchase agreement must provide that at any time after the initial rental payment, the lessee may acquire ownership of the property by tendering fifty-five percent (55%) of the difference between the total of rental payments necessary to acquire ownership of the property and the total amount of rent paid for use of the property at that time.

§7610. Exempted Transaction

This Chapter does not apply to agreements for the rental of property in which the person who rents the property has no legal right to become the owner of the rented property.

§7611. Prohibited Provisions in a Lease-Purchase Agreement as Void

Any provision in a lease-purchase agreement which is prohibited by this Chapter shall be void but shall not otherwise affect the validity of the lease-purchase agreement.

§7612. Receipts; Acknowledgement of Payment in Full for Ownership

(a) If a lessee so requests, the lessor must give or forward to the lessee a receipt for any payment made in cash. The lessor must also furnish, upon the lessee's request, an accounting of all charges, payments, and their dates in connection with a lease-purchase agreement. A charge of $5.00 may be imposed upon the lessee by the lessor for the second and each subsequent accounting request by the lessee in a twelve-month period.

(b) After all lease payments necessary to acquire ownership have been made by a lessee or the lessee has exercised an early purchase option pursuant to the provisions of §7603(a)(8) of this Title, and upon demand by the lessee, the lessor shall deliver, or mail to the lessee at this last known address, such one or more good and sufficient instruments as shall be necessary to acknowledge the lessee's full ownership in the property to which the lessee acquired ownership pursuant to the lease-purchase agreement.

§7613. Award of Reasonable Attorneys Fees and Court Costs to Prevailing Party

A lease-purchase agreement may provide for the payment of reasonable attorneys fees and actual court costs if it is referred to an attorney for collection. Reasonable attorneys fees and costs shall be awarded to the prevailing party in any action on a lease-purchase agreement subject to the provisions of this Chapter regardless of whether such action is instituted by the lessor or lessee. Where the Defendant alleges in his answer that he tendered either the full amount to which the Plaintiff was entitled or possession of the property, and the allegation is found to be true, then the Defendant is deemed to be a prevailing party within the meaning of this section.

§7614. Waiver Prohibited; Severability

Any waiver by the lessee of this Chapter shall be deemed contrary to public policy and shall be unenforceable and void.

If this Chapter or the application thereof to any person or circumstances is held unconstitutional, the remainder of the Chapter and

the application of such provision to other persons or circumstances shall not be affected thereby.

§7615. Penalties; Grace Period for Compliance; Limitation of Liability

(a) Any person who shall wilfully violate this Chapter shall be guilty of a misdemeanor.

(b) In case of a violation of any provision of this Chapter with respect to any transaction, the lessee in such transaction may recover from the person committing the violation, or may set off or counterclaim in any action by such person, actual damages with a minimum recovery of $300.00 or 25 percent of the lease payment necessary to acquire ownership, whichever is greater, attorneys' fees, and court costs.

(c) Notwithstanding this section, any failure to comply with any provisions in this Chapter may be corrected within ten days after the date of execution of the lease-purchase agreement by the lessee, and, if so corrected, neither the lessor nor any holder is subject to any penalty under this section.

(d) A lessor is not liable under this section for damages in excess of the actual damage sustained by the lessee if the lessor shows by a preponderance of the evidence that the violation resulted from a bona fide error notwithstanding the maintenance by the lessor of procedures reasonably adopted to avoid the error. As used in this section, 'bona fide error' includes, but is not limited to: clerical, calculation, computer malfunction and programming, and printing errors.

§7616. Enforcement

A violation of this Chapter shall be within the scope of the enforcement duties and powers of the Division of Consumer Affairs, as described in §8612 of Title 29."

Approved June 25, 1991.

CHAPTER 60

FORMERLY

SENATE BILL NO. 64

AN ACT TO AMEND CHAPTER 215, VOLUME 64, LAWS OF DELAWARE, ENTITLED "AN ACT TO RE-INCORPORATE THE CITY OF HARRINGTON," AS AMENDED, RELATING TO THE POWER TO BORROW MONEY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 27, Chapter 215, Volume 64, Laws of Delaware, as amended, by striking Paragraphs A and B of Section 27 in their entirety and inserting in lieu thereof new Paragraphs A and B of Section 27 to read as follows:

"Section 27 Debt Limit:

A. Whenever during the year, the current receipts are insufficient to provide for the operating needs of the City, the Council is authorized to anticipate revenues by borrowing money, not in the excess of the sum of $500,000.00 dollars.

B. The Mayor and Council is hereby authorized to borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof, on the full faith and credit of the City of Harrington for the payment of current operating expenses and existing obligations; for the purchase, erection, extension, enlargement or repair of any plant, machinery, appliances or equipment, for the supply or the manufacture and distribution of electricity, gas, light, heat or power purposes or the furnishing of water to the public, for the construction, repair or improvement of highways, streets or lanes, or paving, curbing or erection of gutters along the same, for the construction or repair of sewers, or sewerage disposable equipment or to defray the cost of the municipal improvement; provided, however, that the borrowing of the money therefore shall be authorized by the Town Council and approved in a manner hereafter designated. The borrowing of monies as specified herein, in an amount not to exceed Five Hundred Thousand Dollars ($500,000.00), shall require only the approval and authorization of the Council at two meetings, the second of which shall be held at least thirty days and not more than sixty days following the date of the first approval.

The aggregate of the amount so borrowed together with all other bonded indebtedness for which the faith and credit of the City of Harrington has been pledged shall not at any time exceed a sum equal to fifteen (15%) per cent of the total assessed value of real property situated within the bounds of the City of Harrington as such boundaries shall from to time appear.

With respect to any new borrowing under this Section 27 made after the effective date of this Act, same shall be repayable in full within five (5) years of the date of each such borrowing. Any sum or sums so borrowed shall be secured by a Promissory Note or Notes or other evidence of indebtedness of the City Council duly authorized by Resolution of the City Council and signed by the Mayor and attested by the Secretary of City Council with the City seal affixed. No Council member shall be liable for the payment of any such note or any other evidence of indebtedness because it is signed by him as a Council member, provided that he is so authorized by Resolution of the City Council. Such notes or evidences of indebtedness and the interest thereon shall be exempt from all taxation by the State of Delaware, it agencies and political subdivisions. Any sum(s) of monies borrowed on the full faith and credit of the City shall be paid from the general funds of the City."

Approved June 25, 1991.

CHAPTER 61

FORMERLY

SENATE BILL NO. 129

AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO THE GENERAL JURISDICTION AND POWERS OF THE PUBLIC SERVICE COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 201, Subchapter II, Chapter 1, Title 26, Delaware Code by adding thereto a new subsection to read as follows:

"(c) In the exercise of exclusive original supervision and regulation over public utilities, the Commission may, where it determines after notice and hearing that the public interest will be better served by the competitive provision of one or more public utility services, forbear from its normal supervision and regulation over such service or services and over some or all of the providers thereof to the extent the Commission deems necessary to promote and sustain adequate service at just and reasonable rates through the competitive provision of such services. The Commission may also revoke or reverse such forbearance where deemed necessary or appropriate in the public interest."

Approved June 25, 1991.

CHAPTER 62

FORMERLY

HOUSE BILL NO. 135

AN ACT TO AMEND CHAPTER 39, TITLE 25, DELAWARE CODE, RELATING TO LIENS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3901, Title 25, Delaware Code by inserting after the words "garage owner" and before the words "or other person" appearing in subsection (a) of Section 3901 the following:

", auction service"

Section 2. Further Amend §3901, Title 25 Delaware Code by inserting after the words "same or makes repairs," and before the words "performs labor upon," the following:

"auctions,"

Approved June 25, 1991.

CHAPTER 63

FORMERLY

SENATE BILL NO. 55

AN ACT TO AMEND TITLE 10 OF THE DELAWARE CODE RELATING TO COUNSEL FEES RECOVERABLE IN ACTIONS ON WRITTEN INSTRUMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. AMEND Section 3912, Title 10, Delaware Code by deleting said section in its entirety and replacing it with the following:

"§3912. Counsel fees; recovering in actions on written instruments.

In all causes of action, suits, matters or proceedings brought for the enforcement of any note, bond, mechanics lien, mortgage, invoice or other instrument of writing, if the plaintiff or lien holder in the action, suit or proceeding recovers judgment in any sum, he may also recover reasonable counsel fees, which shall be entered as a part of the judgment in the action, suit or proceeding. Such counsel fees shall not in any such action, suit or proceeding, exceed 20 percent of the amount adjudged for principal and interest. Such counsel fees shall not be entered as a part of such judgment unless the note, bond, mortgage, invoice, or other instrument of writing sued upon, by the terms thereof, expressly provides for the payment and allowance thereof, except in the cases of mechanics liens in which no express agreement shall be necessary in order to entitle the lien holder to his reasonable counsel fees."

Approved June 26, 1991.

CHAPTER 64

FORMERLY

HOUSE BILL NO. 108
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 101, TITLE 29, DELAWARE CODE RELATING TO THE DELAWARE ADMINISTRATIVE COMMISSION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 10153, Chapter 101, Title 29 Delaware Code by striking the text thereof and substituting in lieu thereof the following:

"Each agency shall file on the last work day of each month, with the Commission, in a format prescribed by the Commission, the full text of all its rules and regulations, together with such additional information as may be necessary for the purpose of listing in accordance with §10154 of this title, which have been promulgated within that calendar month."

Section 2. Amend Section 10154, Chapter 101, Title 29, Delaware Code by striking subsection (b) thereof and substituting in lieu thereof the following:

"(b) The Commission shall publish, no later than the fifteenth day of each month, all rules and regulations promulgated within the previous month by each state agency, indexed by agency and subject matter. The Commission shall make each such publication available for public inspection and may charge a fee to any person requesting a copy or copies thereof. The fees collected shall be sufficient to defray all costs of publication and shall be deposited in a special fund to be used to produce the publication. Any balance in the special fund in excess of $10,000 at the end of any fiscal year shall revert to the General Fund of the State of Delaware. In addition, copies shall be provided to the Prothonotary of each county, all members of the General Assembly, the law library of each county, the Legislative Council law library and the Director of Libraries. Any additions and corrections shall likewise be made available as soon as practicable."

Section 3. This Act shall take effect December 16, 1991 so that publication of the newly promulgated rules and regulations will commence in January of 1992 with the rules and regulations promulgated by state agencies in December of 1991.

Approved June 26, 1991.

CHAPTER 65

FORMERLY

SENATE BILL NO. 77
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3350(02), Title 19, Delaware Code by inserting after the words, "former employees", the phrase ", except for those employee benefit wages of employees who were hired to fill jobs vacated by members of the National Guard or the Reserve Branch of the U.S. Armed Services who were called to active duty during the Persian Gulf crisis".

Section 2. This Bill shall be effective January 15, 1991.

Approved June 28, 1991.

CHAPTER 66

FORMERLY

SENATE BILL NO. 103

AN ACT TO AMEND CHAPTER 9, TITLE 10 OF THE DELAWARE CODE RELATING TO THE EXCLUSIVE ORIGINAL CRIMINAL JURISDICTION OF THE FAMILY COURT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 922, Chapter 9, Subchapter II, Title 10 of the Delaware Code by inserting in section 922(a) after the words "(a) Except as provided in subsection (b)" and before the words "of this section" the following.

"and (c)"

Section 2. Amend Section 922, Chapter 9, Subchapter II, Title 10 of the Delaware Code by adding a new subsection (c) as follows:

"(c) Notwithstanding the provisions of subsections (a)(1), (a)(2), (a)(3), (a)(18) and (a)(21) of this section, if offenses or criminal cases within the exclusive original jurisdiction of Family Court otherwise may be joined properly with a felony within the jurisdiction of Superior Court, such offenses or criminal cases shall be within the jurisdiction of Superior Court."

Approved June 28, 1991.

CHAPTER 67

FORMERLY

HOUSE BILL NO. 156

AN ACT TO AMEND CHAPTER 21, TITLE 23, DELAWARE CODE RELATING TO ARRESTS MADE WITHOUT WARRANTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 21, Title 23, Delaware Code by adding a new section to read as follows:

"§2126. Arrest without warrants.

(a) Any Fish and Wildlife Agent or police officer of this State authorized to make arrests for violations of this title and regulations promulgated thereunder is further authorized to arrest a person without a warrant at the scene of a boating accident upon reasonable and probable cause to believe, based upon personal investigation which may include information obtained from eye witnesses, that a violation has been committed by any person then and there present.

(b) An arrest without a warrant is further authorized under this subsection, (1) whenever a subject voluntarily absents himself from the scene of the accident, and (2) whenever a suspect is removed from the scene of the accident for the purpose of receiving medical attention in which case the medical facility shall be considered as an extension of the scene of the accident.

(c) When a suspect has been initially detained by an active duty member of the United States Coast Guard, an arrest of that suspect without a warrant is authorized under this section, when based upon reasonable and probable cause, which shall include information obtained from this said active duty member of the United States Coast Guard, that the suspect had been operating a vessel while under the influence of alcohol or drugs in violation of provisions of this Title.

Approved June 28, 1991.

CHAPTER 68

FORMERLY

HOUSE BILL NO. 218
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18, DELAWARE CODE TO REGULATE MANAGING GENERAL AGENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 18 Delaware Code by adding thereto a new chapter to read as follows:

"CHAPTER 18. MANAGING GENERAL AGENTS ACT"

Section 1801. Short Title.

This Act may be cited as the Managing General Agents Act.

Section 1802. Definitions

As used in this Act:

(1) "Actuary" means a person who is a member in good standing of the American Academy of Actuaries.

(2) "Insurer" means any person, firm, association or corporation duly licensed in this state as an insurance company pursuant to Chapter 17.

(3) "Managing General Agent" ("MGA") means any person, firm, association or corporation who negotiates and binds ceding reinsurance contracts on behalf of an insurer or manages all or part of the insurance business of an insurer (including the management of a separate division, department or underwriting office) and acts as an agent for such insurer whether known as a Managing General Agent, manager or other similar term, who, with or without the authority, either separately or together with affiliates, produces, directly or indirectly, and underwrites an amount of gross direct written premium equal to or more than five percent (5%) of the policyholder surplus as reported in the last annual statement of the insurer in any one quarter or year together with one or more of the following: (i) adjusts or pays claims in excess of an amount determined by the Commissioner, or (ii) negotiates reinsurance on behalf of the insurer.

Notwithstanding the above, the following persons shall not be considered as MGAs for the purposes of this Act:

a. An employee of the insurer;

b. A U. S. Manager of the United States branch of an alien insurer;

c. An underwriting manager which, pursuant to contract, manages all or part of the insurance operations of the insurer, is under common control with the insurer, subject to the holding company regulatory act, and whose compensation is not based on the volume of premiums written without regard for the profitability of the business written;

d. The attorney-in-fact authorized by and acting for the subscribers of a reciprocal insurer of inter-insurance exchange under powers of attorney.

(4) "Underwrite" means the authority to accept or reject risk on behalf of the insurer.

Section 1803. Licensure.

(a) No person, firm, association or corporation shall act in the capacity of a MGA with respect to risks located in this state for an insurer licensed in this state unless such person is a licensed producer in this state.

(b) No person, firm, association or corporation shall act in the capacity of a MGA representing an insurer domiciled in this state with respect to risks located outside this state unless such person is licensed as a producer in this state (such license may be a nonresident license) pursuant to the provisions of this Act.

(c) The Commissioner may require a bond in an amount acceptable to him for the protection of the insurer.

(d) The Commissioner may require the MGA to maintain an errors and omissions policy.

Section 1804. Required Contract Provisions

No person, firm, association or corporation acting in the capacity of a MGA shall place business with an insurer unless there is in force a written contract between both parties which sets forth the responsibilities of each party and where both parties share responsibility for a particular function, specifies the division of such responsibilities, and which contains the following minimum provisions:

(1) The insurer may terminate the contract for cause upon written notice to the MGA. The insurer may suspend the underwriting authority of the MGA during the pendency of any dispute regarding the cause for termination.

(2) The MGA will render accounts to the insurer detailing all transactions and remit all funds due under the contract to the insurer on not less than a monthly basis.

(3) All funds collected for the account of an insurer will be held by the MGA in a fiduciary capacity in a bank which is a member of the Federal Reserve System. This account shall be used for all payments on behalf of the insurer. The MGA may retain no more than three months estimated claims payments and allocated loss adjustment expenses.

(4) Separate records of business written by the MGA will be maintained. The insurer shall have access and right to copy all accounts and records related to its business in a form usable by the insurer and the Commissioner shall have access to all books, bank accounts and such records of the MGA in a form usable to the Commissioner. Such records shall be retained until completion of the insurer's triennial financial examination.

(5) The contract may not be assigned in whole or part by the MGA.

(6) Appropriate underwriting guidelines including:

a. The maximum annual premium volume;

b. The basis of the rates to be charged;

c. The types of risks which may be written;

d. Maximum limits of liability;

e. Applicable exclusions;

f. Territorial limitations;

g. Policy cancellation provisions; and

h. The maximum policy period.

The insurer shall have the right to cancel or non-renew any policy of insurance subject to the applicable laws and regulations.

(7) If the contract permits the MGA to settle claims on behalf of the insurer:

a. All claims must be reported to the company in a timely manner.

b. A copy of the claim file shall be sent to the insurer at its request or as it becomes known that the claim:

1. Has the potential to exceed an amount determined by the Commissioner or exceeds the limit set by the company, whichever is less;

2. Involves a coverage dispute;

3. May exceed the MGA's claims settlement authority;

4. Is open for more than six months; or

5. Is closed by payment of an amount set by the Commissioner or an amount set by the company, whichever is less.

(c) All claim files will be the joint property of the insurer and MGA. However, upon an order of liquidation of the insurer, such files shall become the sole property of the insurer or its estate; the MGA shall have reasonable access to and the right to copy the files on a timely basis.

(d) Any settlement authority granted to the MGA may be terminated for cause upon the insurer's written notice to the MGA or upon the termination of the contract. The insurer may suspend the settlement authority during the pendency of any dispute regarding the cause for termination.

(8) Where electronic claims files are in existence, the contract must address the timely transmission of the data.

(9) If the contract provides for a sharing of interim profits by the MGA, and the MGA has the authority to determine the amount of the interim profits by establishing loss reserves or controlling claim payments, or in any other manner, interim profits will not be paid to the MGA until one year after they are earned for property insurance business and five years after they are earned on casualty business and not until the profits have been verified pursuant to Section 1805 of this Chapter.

(10) The MGA shall not:

a. Bind reinsurance or retrocessions on behalf of the insurer, except that the MGA may bind facultative reinsurance contracts pursuant to obligatory facultative agreements if the contract with the insurer contains reinsurance underwriting guidelines including, for both reinsurance assumed and ceded, a list of reinsurers with which such automatic agreements are in effect, the coverages and amounts or percentages that may be reinsured and commission schedules;

b. Commit the insurer to participate in insurance or reinsurance syndicates;

c. Appoint any producer without assuring that the producer is lawfully licensed to transact the type of insurance for which he is appointed;

d. Without prior approval of the insurer, pay or commit the insurer to pay a claim over a specified amount, net of reinsurance, which shall not exceed one percent (1%) of the insurer's policyholder's surplus as of December 31 of the last completed calendar year;

e. Collect any payment from a reinsurer or commit the insurer to any claim settlement with a reinsurer, without prior approval of the insurer. If prior approval is given, a report must be promptly forwarded to the insurer; or

f. Permit its subproducer to serve on the insurer's board of directors;

g. Jointly employ an individual who is employed with the insurer; or

h. Appoint a sub-MGA.

Section 1805. Duties of Insurers.

a. The insurer shall have on file an independent financial examination, in a form acceptable to the Commissioner, of each MGA with which it has done business.

b. If a MGA establishes loss reserves, the insurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the MGA. This is in addition to any other required loss reserve certification.

c. The insurer shall periodically (at least semi-annually) conduct an on-site review of the underwriting and claims processing operations of the MGA.

d. Binding authority for all reinsurance contracts or participation in insurance or reinsurance syndicates shall rest with an officer of the insurer, who shall not be affiliated with the MGA.

e. Within thirty (30) days of entering into or termination of a contract with a MGA, the insurer shall provide written notification of such appointment or termination to the Commissioner. Notices of appointment of a MGA shall include a statement of duties which the applicant is expected to perform on behalf of the insurer, the lines of insurance for which the applicant is to be authorized to act, and any other information the Commissioner may request.

f. An insurer shall review its books and records each quarter to determine if any producer as defined by Section 1802(3), has become, by operation of Section 1802(3), a MGA as defined in that section. If the insurer determines that a producer has become a MGA pursuant to the above, the insurer shall promptly notify the producer and the Commissioner of such determination and the insurer and producer must fully comply with the provisions of this Act within thirty (30) days.

g. An insurer shall not appoint to its board of directors an officer, director, employee, subproducer or controlling shareholder of its MGAs. This subsection shall not apply to relationships governed by the Insurance Holding Company Act or, if applicable, the Broker Controlled Insurer Act.

Section 1806. Examination Authority.

The acts of the MGA are considered to be the acts of the insurer on whose behalf it is acting. A MGA may be examined as if it were the insurer.

Section 1807. Penalties and Liabilities.

a. If the Commissioner finds after a hearing conducted in accordance with the Administrative Procedures Act that any person has violated any provision(s) of this Act, the Commissioner may order:

(1) For each separate violation, a penalty in an amount of $15,000;

(2) Revocation or suspension of the producer's license; and

(3) The MGA to reimburse the insurer, the rehabilitator or liquidator of the insurer for any losses incurred by the insurer caused by a violation of this Act committed by the MGA.

b. The decision, determination or order of the Commissioner pursuant to Subsection (a) of this section shall be subject to judicial review pursuant to the Administrative Procedures Act.

c. Nothing contained in this section shall affect the right of the Commissioner to impose any other penalties provided for in the insurance law.

d. Nothing contained in this Act is intended to or shall in any manner limit or restrict the rights of policyholders, claimants and auditors.

Section 1808. Rules and Regulations

The Commissioner of Insurance may adopt reasonable rules and regulations for the implementation and administration of the provisions of this Chapter.

Section 1809. Effective Date.

This Act shall take effect on September 30, 1991. No insurer may continue to utilize the services of a MGA on and after September 30, 1991, unless such utilization is in compliance with this Act..

Section 2. This Act shall become effective thirty (30) days after adoption."

Approved June 28, 1991.

CHAPTER 69

FORMERLY

HOUSE BILL NO. 216
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18, DELAWARE CODE TO ADOPT STANDARDS FOR REINSURANCE INTERMEDIARIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 18, Delaware Code by adding thereto a new chapter to read as follows:

"CHAPTER 16 REINSURANCE INTERMEDIARY ACT

Section 1601. Short Title

This Act may be cited as the Reinsurance Intermediary Act.

Section 1602. Definitions

(a) "Actuary" means a person who is a member in good standing of the American Academy of Actuaries.

(b) "Controlling Person" means any person, firm, association or corporation who directly or indirectly has the power to direct or cause to be directed, the management, control or activities of the reinsurance intermediary.

(c) "Insurer" means any person, firm, association or corporation duly licensed in this state pursuant to the applicable provisions of the insurance law as an insurer.

(d) "Licensed Producer" means an agent, broker or reinsurance intermediary licensed pursuant to the applicable provision of the insurance law.

(e) "Reinsurance Intermediary" means a reinsurance intermediary - broker or a reinsurance intermediary - manager as these terms are defined in Subsections (f) and (g) of this section.

(f) "Reinsurance Intermediary - Broker" ("RB") means any person, other than an officer or employee of the ceding insurer, "firm", association or corporation who solicits, negotiates or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of such insurer.

(g) "Reinsurance Intermediary - Manager" ("RM") means any person, firm, association or corporation who has authority to bind or manages all or part of the assumed reinsurance business of a reinsurer (including the manager of a separate division, department or underwriting office) and acts as an agent for such reinsurer whether known as a RM, manager or other similar term. Notwithstanding the above, the following persons shall not be considered a RM, with respect to such reinsurer, for the purposes of this Act:

(1) An employee of the reinsurer;

(2) A U. S. Manager of the United States branch of an alien reinsurer;

(3) An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the Holding Company Act, and whose compensation is not based on the volume of premiums written;

(4) The manager of a group, association, pool or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the Insurance Commissioner of the state in which the manager's principal business office is located.

(h) "Reinsurer" means any person, firm, association or corporation duly licensed in this state pursuant to the applicable provisions of the insurance law as an insurer which assumes reinsurance.

(i) "To be in violation" means that the reinsurance intermediary, insurer or reinsurer for whom the reinsurance intermediary was acting failed to substantially comply with the provisions of this Act.

(j) Qualified U. S. Financial Institutions.

For purposes of this Act, a "qualified United States financial institution" means an institution that:

(1) Is organized or (in the case of a U. S. office of a foreign banking organization) licensed, under the laws of the United States or any state thereof;

(2) Is regulated, supervised and examined by U. S. federal or state authorities having regulatory authority over banks and trust companies; and

(3) Has been determined by either the Commissioner, or the Securities Valuation Office of the National Association of Insurance Commissioners, to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the Commissioner.

Section 1603. Licensure

(a) No person, firm, association or corporation shall act as an RB in this state if the RB maintains an office either directly or as a member or employee of a firm or association, or an officer, director or employee of a corporation:

(1) In this state, unless such RB is a licensed producer in this state; or

(2) In another state, unless such RB is a licensed producer in this state or another state having a law substantially similar to this law or such RB is licensed in this state as a nonresident reinsurance intermediary.

(b) No person, firm, association or corporation shall act as an RM:

(1) For a reinsurer domiciled in this state, unless such RM is a licensed producer in this state;

(2) In this state, if the RM maintains an office either directly or as a member or employee of a firm or association, or an officer, director or employee of a corporation in this state, unless such RM is a licensed producer in this state;

In another state for a nondomestic insurer, unless such RM is a licensed producer in this state or another state having a law substantially similar to this law or such person is licensed in this state as a nonresident reinsurance intermediary.

(c) The Commissioner may require a RM subject to Subsection (b) of this section to:

(1) File a bond in an amount from an insurer acceptable to the Commissioner for the protection of the reinsurer; and

(2) Maintain an errors and omissions policy in an amount acceptable to the Commissioner.

(d) (1) The Commissioner may issue a reinsurance intermediary license to any person, firm, association or corporation who has complied with the requirements of this Act. Any such license issued to a firm or association will authorize all the members of such firm or association and any designated employees to act as reinsurance intermediaries under the license, and all such

persons shall be named in the application any supplements thereto. Any such license issued to a corporation shall authorize all of the officers, and any designated employees and directors thereof to act as reinsurance intermediaries on behalf of such corporation, and all such persons shall be named in the application and any supplements thereto.

(2) If the applicant for a reinsurance intermediary license is a nonresident, such applicant, as a condition precedent to receiving or holding a license, shall designate the Commissioner as agent for service of process in the manner, and with the same legal effect, provided for by this Act, for designation of service of process upon unauthorized insurers; and also shall furnish the Commissioner with the name and address of a resident of this state upon whom notices or orders of the Commissioner or process affecting such nonresident reinsurance intermediary may be served. Such licensee shall promptly notify the Commissioner in writing of every change in its designated agent for service of process, and such change shall not become effective until acknowledged by the Commissioner.

(e) The Commissioner may refuse to issue a reinsurance intermediary license if, in his judgment, the applicant, any one named on the application, or any member, principal, officer or director of the applicant, is not trustworthy, or that any controlling person of such applicant is not trustworthy to act as a reinsurance intermediary, or that any of the foregoing has given cause for revocation or suspension of such license, or has failed to comply with any prerequisite for the insurance of such license. Upon written request therefor, the Commissioner will furnish a summary of the basis for refusal to issue a license, which document shall be privileged and not subject to disclosure under the Freedom of Information Act.

(f) Licensed attorneys-at-law of this state when acting in their professional capacity as such shall be exempt from this section.

Section 1604. Required Contract Provisions - Reinsurance Intermediary - Brokers

Transactions between a RB and the insurer it represents in such capacity shall only be entered into pursuant to a written authorization, specifying the responsibilities of each party. The authorization shall, at a minimum, contain provisions that:

(1) The insurer may terminate the RB's authority at any time.

(2) The RB will render accounts to the insurer accurately detailing all material transactions, including information necessary to support all commissions, charges and other fees received by, or owing, to the RB, and remit all funds due to the insurer within thirty (30) days of receipt.

(3) All funds collected for the insurer's account will be held by the RB in a fiduciary capacity in a bank which is a qualified U. S. financial institution as defined herein.

(4) The RB will comply with Section 1605 of this Act.

(5) The RB will comply with the written standards established by the insurer for the cession or retrocession of all risks.

(6) The RB will disclose to the insurer any relationship with any reinsurer to which business will be ceded or retroceded.

Section 1605. Books and Records - Reinsurance Intermediary Brokers

(a) For at least ten (10) years after expiration of each contract of reinsurance transacted by the RB, the RB will keep a complete record for each transaction showing:

(1) The type of contract, limits, underwriting restrictions, classes or risks and territory;

(2) Period of coverage, including effective and expiration dates, cancellation provisions and notice required of cancellation;

(3) Reporting and settlement requirements of balances;

(4) Rate used to compute the reinsurance premium;

(5) Names and addresses of assuming reinsurers;

(6) Rates of all reinsurance commissions, including the commissions on any retrocessions handled by the RB;

(7) Related correspondence and memoranda;

(8) Proof of placement;

(9) Details regarding retrocessions handled by the RB including the identity of retrocessionaires and percentage of each contract assumed or ceded;

(10) Financial records, including but not limited to, premium and loss accounts; and

(11) When the RB procures a reinsurance contract on behalf of a licensed ceding insurer:

(a) Directly from any assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or

(b) If placed through a representative of the assuming reinsurer, other than an employee, written evidence that such reinsurer has delegated binding authority to the representative.

(b) The insurer will have access and the right to copy and audit all accounts and records maintained by the RB related to its business in a form usable by the insurer.

Section 1606. Duties of Insurers Utilizing the Services of a Reinsurance Intermediary - Broker.

(a) An insurer shall not engage the services of any person, firm, association or corporation to act as a RB on its behalf unless such person is licensed as required by Section 1603(a) of this Act.

(b) An insurer may not employ an individual who is employed by a RB with which it transacts business, unless such RB is under common control with the insurer and subject to the Holding Company Act.

(c) The insurer shall annually obtain a copy of statements of the financial condition of each RB with which it transacts business.

Section 1607. Required Contract Provisions - Reinsurance Intermediary - Managers.

Transactions between a RM and the reinsurer it represents in such capacity shall only be entered into pursuant to a written contract, specifying the responsibilities of each party, which shall be approved by the reinsurer's Board of Directors. At least thirty (30) days before such reinsurer assumes or cedes business through such producer, a true copy of the approved contract shall be filed with the Commissioner for approval. The contract shall, at a minimum, contain provisions that:

(1) The reinsurer may terminate the contract for cause upon written notice to the RM. The reinsurer may suspend the authority of the RM to assume or cede business during the pendency of any dispute regarding the cause for termination.

(2) The RM will render accounts to the reinsurer accurately detailing all material transactions, including information necessary to support all commissions, charges and other fees received by, or owing to the RM, and remit all funds due under the contract to the reinsurer on not less than a monthly basis.

(3) All funds collected for the reinsurer's account will be held by the RM in a fiduciary capacity in a bank which is a qualified U. S. financial

institution as defined herein. The RM may retain no more than three (3) months estimated claims payments and allocated loss adjustment expenses. The RM shall maintain a separate bank account for each reinsurer that it represents.

(4) For at least ten (10) years after expiration of each contract of reinsurance transacted by the RM, the RM will keep a complete record for each transaction showing:

(1) The type of contract, limits, underwriting restrictions, classes or risks and territory;

(2) Period of coverage, including effective and expiration dates, cancellation provisions and notice required of cancellation, and disposition of outstanding reserves on covered risks;

(3) Reporting and settlement requirements of balances;

(4) Rate used to compute the reinsurance premium;

(5) Names and addresses of reinsurers;

(6) Rates of all reinsurance commissions, including the commissions on any retrocessions handled by the RM;

(7) Related correspondence and memoranda;

(8) Proof of placement;

(9) Details regarding retrocessions handled by the RM, as permitted by Section 1609(d) of this Act, including the identity of retrocessionaires and percentage of each contract assumed or ceded;

(10) Financial records, including but not limited to, premium and loss accounts; and

(11) When the RM places a reinsurance contract on behalf of a ceding insurer:

a. Directly from any assuming reinsurer, written evidence that the assuming reinsurer has agreed to assume the risk; or

b. If placed through a representative of the assuming reinsurer, other than an employee, written evidence that such reinsurer has delegated binding authority to the representative.

(5) The reinsurer will have access and the right to copy all accounts and records maintained by the RM related to its business in a form usable by the reinsurer.

(6) The contract cannot be assigned in whole or in part by the RM.

(7) The RM will comply with the written underwriting and rating standards established by the insurer for the acceptance, rejection or cession of all risks.

(8) Sets forth the rates, terms and purposes of commissions, charges and other fees which the RM may levy against the reinsurer.

(9) If the contract permits the RM to settle claims on behalf of the reinsurer:

a. All claims will be reported to the reinsurer in a timely manner.

b. A copy of the claim file will be sent to the reinsurer at its request or as soon as it becomes known that the claim:

(1) Has the potential to exceed the lesser of an amount determined by the Commissioner or the limit set by the reinsurer;

(2) Involves a coverage dispute;

(3) May exceed the RM's claims settlement authority;

(4) Is open for more than six (6) months; or

(5) Is closed by payment of the lesser of an amount set by the Commissioner or any amount set by the reinsurer.

c. All claim files will be the joint property of the reinsurer and RM. However, upon an order of liquidation of the reinsurer such files shall become the sole property of the reinsurer or its estate; the RM shall have reasonable access to and the right to copy the files on a timely basis;

d. Any settlement authority granted to the RM may be terminated for cause upon the reinsurer's written notice to the RM or upon the termination of the contract. The reinsurer may suspend the settlement authority during the pendency of the dispute regarding the cause of termination.

(10) If the contract provides for a sharing of interim profits by the RM, that such interim profits will not be paid until one year after the end of each underwriting period for property business and five (5) years after the end of each underwriting period for casualty business (or a later period set by the Commissioner for specified lines of insurance) and not until the adequacy of reserves on remaining claims has been verified pursuant to Section 1609(c) of this Chapter.

(11) The RM will annually provide the reinsurer with a statement of its financial condition prepared by an independent certified accountant.

(12) The reinsurer shall periodically (at least semi-annually) conduct an on-site review of the underwriting and claims processing operations of the RM.

(13) The RM will disclose to the reinsurer any relationship it has with any insurer prior to ceding or assuming any business with such insurer pursuant to this contract.

(14) The acts of the RM shall be deemed to be the acts of the reinsurer on whose behalf it is acting.

Section 1608. Prohibited Acts

The RM shall not:

(1) Bind retrocessions on behalf of the reinsurer, except that the RM may bind facultative retrocessions pursuant to obligatory facultative agreements if the contract with the reinsurer contains reinsurance underwriting guidelines for such retrocessions. Such guidelines shall include a list of reinsurers with which such automatic agreements are in effect, and for each such reinsurer, the coverages and amounts or percentages that may be reinsured, and commission schedules.

(2) Commit the reinsurer to participate in reinsurance syndicates.

(3) Appoint any producer without assuring that the producer is lawfully licensed to transact the type of reinsurance for which he is appointed.

(4) Without prior approval of the reinsurer, pay or commit the reinsurer to pay a claim, net of retrocessions, that exceeds the lesser of an amount specified by the reinsurer or one percent of the reinsurer's policyholder's surplus as of December 31 of the last complete calendar year.

(5) Collect any payment from a retrocessionaire or commit the reinsurer to any claim settlement with a retrocessionaire, without prior approval of the reinsurer. If prior approval is given, a report must be promptly forwarded to the reinsurer.

(6) Jointly employ an individual who is employed by the reinsurer.

(7) Appoint a sub-RM.

Section 1609. Duties of Reinsurers Utilizing the Services of a Reinsurance Intermediary - Manager

(a) A reinsurer shall not engage the services of any person, firm, association or corporation to act as a RM on its behalf unless such person is licensed as required by Section 1603(b) of this Chapter.

(b) The reinsurer shall annually obtain a copy of statements of the financial condition of each RM which such reinsurer has engaged prepared by an independent certified accountant in a form acceptable to the Commissioner.

(c) If a RM establishes loss reserves, the reinsurer shall annually obtain the opinion of an actuary attesting to the adequacy of loss reserves established for losses incurred and outstanding on business produced by the RM. This opinion shall be in addition to any other required loss reserve certification.

(d) Binding authority for all retrocessional contracts or participation in reinsurance syndicates shall rest with an officer of the reinsurer who shall not be affiliated with the RM.

(e) Within thirty (30) days of termination of a contract with a RM, the reinsurer shall provide written notification of such termination to the Commissioner.

(f) A reinsurer shall not appoint to its board of directors, any officer, director, employee, controlling shareholder or subproducer of its RM. This subsection shall not apply to relationships governed by the Holding Company Act or, if applicable, the Broker Controlled Insurer Act.

Section 1610. Examination Authority

(a) A reinsurance intermediary shall be subject to examination by the Commissioner. The Commissioner shall have access to all books, bank accounts and records of the reinsurance intermediary in a form usable to the Commissioner.

(b) A RM may be examined as if it were the reinsurer.

Section 1611. Penalties and Liabilities

(a) A reinsurance intermediary, insurer or reinsurer found by the Commissioner after a hearing conducted in accordance with the Administrative Procedures Act, to be in violation of any provision(s) of this Act, shall:

(1) For each separate violation, pay a penalty in an amount not exceeding fifteen thousand dollars ($15,000);

(2) Be subject to revocation or suspension of its license; and

(3) If a violation was committed by the reinsurance intermediary, such reinsurance intermediary shall make restitution to the insurer, reinsurer, rehabilitator or liquidator of the insurer or reinsurer for the net losses incurred by the insurer or reinsurer attributable to such violation.

(b) The decision, determination or order of the Commissioner pursuant to Subsection (a) of this section shall be subject to judicial review pursuant to the Administrative Procedures Act.

(c) Nothing contained in this section shall affect the right of the Commissioner to impose any other penalties provided in the insurance law.

(d) Nothing contained in this Act is intended to or shall in any manner limit or restrict the rights of policyholders, claimants, creditors or other third parties or confer any rights to such persons.

Section 1612. Rules and Regulations

The Commissioner may adopt reasonable rules and regulations for the implementation and administration of the provisions of this Act.

Section 1613. Effective Date

This Act shall take effect on January 1, 1992. No insurer or reinsurer may continue to utilize the services of a reinsurance intermediary on and after January 1, 1992, unless utilization is in compliance with this Act."

Section 2. This Act shall become effective thirty (30) days after adoption.

Approved June 28, 1991.

CHAPTER 70

FORMERLY

SENATE BILL NO. 121

AN ACT TO AMEND TITLE 18, DELAWARE CODE, TO REQUIRE INSURANCE COMPANIES' CAPITAL AND SURPLUS BE IN CASH OR CASH EQUIVALENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 511, subsection (a), Chapter 5, Title 18 Delaware Code by inserting the words "in cash or cash equivalents" after the word "maintain" and before the words "unimpaired paid-in capital stock".

Section 2. This act shall become effective 60 days after its adoption.

Approved June 28, 1991.

CHAPTER 71

FORMERLY

HOUSE BILL NO. 95
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 26, TITLE 24 OF THE DELAWARE CODE RELATING TO THE REGULATION OF PHYSICAL THERAPISTS AND ATHLETIC TRAINERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 2604, Chapter 26, Title 24 of the Delaware Code by adding a new subsection (12) which shall read as follows:

"(12) Issue cease and desist orders after a hearing conducted in accordance with this Chapter and the Administrative Procedures Act."

Section 2. Amend Section 2616, Chapter 26, Title 24 of the Delaware Code by striking subsection (c) in its entirety and renumbering present subsection (d) as new subsection (c).

Section 3. Amend Chapter 26, Title 24 of the Delaware Code by adding a new Section 2618 which shall read as follows:

"Section 2618. Penalties and Jurisdiction.

(a) Where the Board has determined that a person is engaged in a practice regulated by this Chapter without having lawfully obtained a license or registration, or that a person previously licensed or registered under this Chapter, is engaged in a practice regulated by this Chapter notwithstanding that his license or registration has been suspended or revoked, the Board shall make complaint to the Attorney General and may issue a cease and desist order. The complaint and/or order shall include all evidence known to or in the possession of the Board.

(b) Whoever violates this Chapter or a cease and desist order issued by the Board shall be fined not less than $100 nor more than $1,000. Each day a violation continues shall constitute a separate offense.

(c) Justices of the Peace in the County in which the offense is alleged to have occurred shall have jurisdiction over any violation of this Chapter.

Any person convicted of any such offense before a Justice of the Peace or in any Court of competent jurisdiction, other than the Superior Court, may appeal to the Superior Court in the County in which the conviction was had upon giving bond in the sum of $200 to this State with surety satisfactory to such Justice or trial court, provided, however, that the appeal is taken and bond given within 7 days from the time of the conviction.

(d) A violation of this Chapter shall be cause for revocation of any license issued thereunder, notwithstanding that the same violation may constitute a misdemeanor or felony."

Approved June 28, 1991.

CHAPTER 72

FORMERLY

HOUSE BILL NO. 238

AN ACT WAIVING THE STATUTORY PROVISIONS OF SECTION 107(A) OF CHAPTER 1, TITLE 13, DELAWARE CODE AS IT RELATES TO THE MARRIAGE OF PAUL ALLEN FRIDAY AND JOAN MATRE FRECHE, NON-RESIDENTS OF THE STATE OF DELAWARE.

WHEREAS, Paul Allen Friday of Apopka, Florida wishes to marry Joan Matre Freche of Apopka, Florida, both of whom are non-residents of the State of Delaware; and

WHEREAS, the groom to be, a former resident of Delaware, presently employed and residing in Apopka, Florida; and

WHEREAS, the bride, is employed full time in Apopka, Florida; and

WHEREAS, the couple plan to be married on July 13, 1991 in Delaware because most of their family is located here; and

WHEREAS, because of the working circumstance of both parties, it is extraordinarily difficult for them to comply with the provisions of §107(a), Chapter 1, Title 13, Delaware Code requiring non-residents to obtain a marriage license at least 96 hours prior to the marriage ceremony.

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Paul Allen Friday of Apopka, Florida and Joan Matre Freche of Apopka, Florida are hereby exempted from the provisions of §107(a), Chapter 1, Title 13, Delaware Code and are specifically authorized to marry on July 13, 1991 or within 30 days thereafter; the Clerk of the Peace for Kent County shall issue to Paul Allen Friday and Joan Matre Freche one official marriage license pursuant to this Act, the provisions of §107(a) of Chapter 1, Title 13, Delaware Code or any other law of this State to the contrary notwithstanding.

Approved June 28, 1991.

CHAPTER 73

FORMERLY

SENATE BILL NO. 213

AN ACT TO AMEND TITLE 29, CHAPTER 8, SECTION 807 RELATING TO REAPPORTIONMENT AND REDISTRICTING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

AMEND Title 29, Chapter 8, Section 807 be deleting the phrase "not later than June 30, 1991" as it appears in said section.

Approved June 30, 1991.

CHAPTER 74

FORMERLY

HOUSE BILL NO. 154
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 29, TITLE 14 OF THE DELAWARE CODE RELATING TO TRANSPORTATION OF PUPILS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2908, Chapter 29, Title 14, Delaware Code, by adding a new subsection (d) that reads as follows:

"(d) (1) The State Board of Education is authorized to obtain from all contractors currently providing pupil transportation a letter of commitment to provide such service for the following school year. Such letters shall be signed by the contractor and shall legally bind the contractor to provide pupil transportation service in the following school year contingent upon the enactment into law of the succeeding fiscal year's Budget Appropriation Act. A contractor shall not be bound by its letter of commitment should the final Budget Appropriation Act include an inflation factor for the school transportation formula that is less than the inflation factor included in the Governor's Proposed Budget presented in January of that year.

(2) Failure to sign a letter of commitment shall be interpreted to mean that the contractor does not wish to continue providing pupil transportation services and that an alternative provider shall be found to assume the responsibilities of the existing contractor for the next school year.

(3) The letter of commitment shall be considered an offer of renewal as referenced in subsection (a) of this section. The provisions of subsection (b) of this section shall apply to contracts that expire due to the failure of a contractor to sign a letter of commitment.

(4) The State Board of Education is hereby authorized to obtain letters of commitment on or before August 1, 1991, for the school year 1991-1992. In all subsequent years the State Board of Education is authorized to obtain letters of commitment on or before May 1st."

Approved July 1, 1991.

CHAPTER 75

FORMERLY

HOUSE BILL NO. 296

AN ACT TO AMEND CHAPTER 5, TITLE 7, DELAWARE CODE TO ISSUE ADDITIONAL DEER PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 504(b), Chapter 5, Title 7, Delaware Code by striking the words "regular shotgun" in said subsection and substituting in lieu thereof the words "any deer".

Approved July 1, 1991.

CHAPTER 76

FORMERLY

HOUSE BILL NO. 243

AN ACT TO AMEND CHAPTER 72, TITLE 7 OF THE DELAWARE CODE RELATING TO SUBAQUEOUS LANDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §7201, Chapter 72, Title 7 of the Delaware Code by deleting the phrase "and, for commercial projects, the Governor," as it appears in the second sentence of said section.

Section 2. Amend §7202, Chapter 72, Title 7 of the Delaware Code by deleting subsections "(a)" and "(c)" in their entireties and by redesignating the remaining subsections accordingly.

Section 3. Amend §7203, Chapter 72, Title 7 of the Delaware Code by deleting subsection "(a)" of said section in its entirety and substituting in lieu thereof the following:

"(a) The Secretary shall have jurisdiction over any project involving ungranted subaqueous lands owned by the State, and shall have jurisdiction and authority to convey a fee simple of lesser interest, or to grant an easement with respect to all projects involving these lands. All jurisdiction and authority remaining in the State as to subaqueous lands for which leases have been made or may be made is invested in the Secretary."

Section 4. Amend §7206, Chapter 72, Title 7 of the Delaware Code by deleting subsection "(a)" of said section in its entirety and substituting in lieu thereof the following:

"(a) Pursuant to this chapter, the Secretary shall have exclusive jurisdiction and authority over all projects to convey a fee simple or lesser interest or to grant easements with respect to subaqueous lands belonging to the State. All jurisdiction and authority to convey a fee simple or lesser interest or to grant easements over subaqueous lands as to which grants have been made or may be made is vested in the Secretary. All leases for shellfish grounds shall be made pursuant to Chapter 19 of this title."

Section 5. Amend §7210, Chapter 72, Title 7 of the Delaware Code by deleting the phrase "or the Governor" as it appears in the last sentence of said section.

Approved July 1, 1991.

CHAPTER 77

FORMERLY

HOUSE BILL NO. 282

AN ACT TO AMEND CHAPTER 34, VOLUME 58, LAWS OF DELAWARE, ENTITLED "AN ACT TO REINCORPORATE THE TOWN OF BLADES", TO ELIMINATE THE REQUIREMENT THAT THE RULES AND EXEMPTIONS NOW APPLICABLE BY LAW TO THE MAKING OF THE COUNTY ASSESSMENT OF PERSONS AND PROPERTIES SHALL BE APPLICABLE INSOFAR AS CONSISTENT WITH THE PROVISIONS OF THIS CHARTER, TO ASSURE THAT THE TAX ASSESSOR SHALL HAVE NO VOTING POWER AT THE BOARD OF APPEALS HEARINGS(S) AND THAT HE/SHE SHALL BE PRESENT ONLY IN AN ADVISORY CAPACITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 24(a), Chapter 34, Volume 58, Laws of Delaware, as amended, by striking said subsection (a) in its entirety and substituting in lieu thereof a new subsection (a) to read as follows:

"(a) The Assessor shall, prior to the first day of September, make a just, true and impartial annual valuation or assessment of all real estate within the Town of Blades. This assessment shall be of the real property of each resident within the limits and territory of the Town of Blades and also of non-residents who own real property within the limits and territory of the Town of Blades. The Assessor shall assess and make a fair and impartial assessment as required by the Charter and by any ordinance adopted by the Blades Town Council pursuant to this Charter. The Assessor may adopt as the annual assessment for the Town of Blades the assessment for real estate and improvements located thereon as compiled by the Board of Assessment of Sussex County, if the Assessor, in his/her judgment, considers said Sussex County Assessment to be proper and fair."

Section 2. Amend Section 24(g), Chapter 34, Volume 58, Laws of Delaware, as amended, by adding the following sentence to the end of Section 24(g):

"The Assessor shall have no voting power at the Board of Appeals hearing(s) and shall be present only in an advisory capacity."

Approved July 1, 1991.

CHAPTER 78

FORMERLY

HOUSE BILL NO. 20

AN ACT TO AMEND TITLE 16 AND TITLE 24, DELAWARE CODE RELATING TO THE STATE BOARD OF HEALTH AND THE BOARD OF MEDICAL PRACTICE AND WARNINGS TO PREGNANT WOMEN REGARDING POSSIBLE PROBLEMS FROM USE OR CONSUMPTION OF ALCOHOL, COCAINE, MARIJUANA, HEROIN OR OTHER NARCOTICS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 1, Title 16, Delaware Code by adding a new subchapter to read as follows:

"SUBCHAPTER VIII. WARNINGS TO PREGNANT WOMEN.

§190. Required warning of possible use effects of Alcohol, Cocaine, Marijuana, Heroin or other narcotics.

(a) The Board shall require any and all persons under its jurisdiction who treat, advise or counsel pregnant women to post and give written and verbal warnings to said pregnant women as to the possible problems, complications and injuries which may result to themselves and/or to the fetus from their consumption or use of Alcohol, Cocaine, Marijuana, Heroin or other narcotics during their pregnancy.

(b) The form and content of such warnings will be as proscribed by the Board."

Section 2. Amend Chapter 17, Title 24, Delaware Code by adding a new section to read as follows:

"§1770. Required warning of possible use effects of Alcohol, Cocaine, Marijuana, Heroin or other narcotics.

(a) The Board shall require any and all persons under its jurisdiction who treat, advise or counsel pregnant women to post and give written and verbal warnings to said pregnant women as to the possible problems, complications and injuries which may result to themselves and/or to the fetus from their consumption or use of Alcohol, Cocaine, Marijuana, Heroin or other narcotics during their pregnancy.

(b) The physician may designate a licensed nurse to give the warnings required by this section.

(c) The form and content of such warnings shall be as proscribed by the State Board of Health."

Section 3. This Act shall become effective 90 days after its enactment.

Approved July 1, 1991.

CHAPTER 79

FORMERLY

HOUSE BILL NO. 112

AN ACT TO AMEND CHAPTER 10, TITLE 16 OF THE DELAWARE CODE RELATING TO THE HOSPITAL ADVISORY COUNCIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1010 and §1011, Chapter 10, Title 16 of the Delaware Code by striking each section in its entirety.

Approved July 1, 1991.

CHAPTER 80

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 347

AN ACT TO AMEND CHAPTERS 23, 25, 27, 29, AND 43, TITLE 30 OF THE DELAWARE CODE RELATING TO BUSINESS AND OCCUPATIONAL LICENSE FEES AND TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all the members elected of each House thereof concurring therein):

Section 1. Amend §2901(2)b., Title 30 of the Delaware Codeby striking the period "." at the end of said paragraph and insertin lieu thereof a semicolon ";" followed by the following phrase:

"provided, however, that, for purposes of this Chapter, 'physically delivered within this State' includes delivery to the United States mail or to a common or contract carrier for shipment to a place within this State irrespective of F.O.B. or other terms of payment for delivery."

Section 2. Amend §2901(7)a., Title 30 of the Delaware Code by striking the phrase "sales to this State" as it appears therein and substituting in lieu thereof the phrase "sales to the United States or any agency or instrumentality thereof or sales to this State".

Section 3. Amend § 2301(d), Title 30 of the Delaware Code by adding thereto a new paragraph (4) to read as follows:

"(4) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 4. Amend §2502(c), Title 30 of the Delaware Code, by adding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 5. Amend §2702(b), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $100 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 6. Amend § 2902(c), Title 30 of the Delaware Code by adding thereto a new paragraph (5) to read as follows:

"(5) There shall be added to the license fee calculated under paragraphs (1) and (3) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraphs said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may

not be applied against the license fee calculated under paragraphs (1) or (3) of this subsection."

Section 7. Amend § 2903(c), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 8. Amend § 2904(c), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 9. Amend § 2905(b), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $60 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 10. Amend § 2906(c), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $60 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 11. Amend § 2907(c), Title 30 of the Delaware Code,by adding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 12. Amend § 4302, Title 30 of the Delaware Code by designating existing § 4302 as subsection (a) of said section and by adding thereto a new subsection (b) to read as follows:

"(b) There shall be added to the tax calculated under subsection (a) of this section a surtax in the amount of 10% of the tax calculated under said subsection."

Section 13. Amend § 4305, Title 30 of the Delaware Code byadding thereto a new subsection (d) to read as follows:

"(d) There shall be added to the tax calculated under subsection (b) of this section a surtax in the amount of 10% of the tax calculated under said subsection said surtax to be reduced by a non-refundable credit of $30 per

month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the tax calculated under subsection (b) of this section."

Section 14. Section 1 of this Act shall be effective for all tax periods beginning on or after January 1, 1985. Section 2 of this Act shall be effective upon the enactment of this Act intolaw.

Section 12 shall be effective for receipts after December 31,1991 and before July 1, 1995. Sections 3 through 11 and 13 of this Act shall be effective for gross receipts received after June 30, 1991, and before July 1,1995; provided that the Director of Revenue shall determine, notwithstanding any other provision of law, the due date for remittances of taxes imposed by Sections 3 through 13 of this Actfor taxable months beginning after June 30, 1991 and ending before January 1, 1992, further provided that the Director shall require such remittances be made no later than February 28, 1992. Fortaxable periods beginning after December 31, 1991, remittances shall be due as otherwise provided by law.

Section 15. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of theAct or the Delaware Code which shall be given effect without the invalid provision or application, and to that end the provisions ofthis Act are declared to be severable.

Approved July 1, 1991.

not be applied against the license fee calculated under paragraphs (1) or (3) of this subsection."

Section 7. Amend § 2903(c), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 8. Amend § 2904(c), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 9. Amend § 2905(b), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $60 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 10. Amend § 2906(c), Title 30 of the Delaware Code byadding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $60 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 11. Amend § 2907(c), Title 30 of the Delaware Code,by adding thereto a new paragraph (3) to read as follows:

"(3) There shall be added to the license fee calculated under paragraph (1) of this subsection a surtax in the amount of 10% of the license fee calculated under said paragraph said surtax to be reduced by a non-refundable credit of $30 per month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the license fee calculated under paragraph (1) of this subsection."

Section 12. Amend § 4302, Title 30 of the Delaware Code by designating existing § 4302 as subsection (a) of said section and by adding thereto a new subsection (b) to read as follows:

"(b) There shall be added to the tax calculated under subsection (a) of this section a surtax in the amount of 10% of the tax calculated under said subsection."

Section 13. Amend § 4305, Title 30 of the Delaware Code byadding thereto a new subsection (d) to read as follows:

"(d) There shall be added to the tax calculated under subsection (b) of this section a surtax in the amount of 10% of the tax calculated under said subsection said surtax to be reduced by a non-refundable credit of $30 per

month; provided, however, that any unused credit may not be carried backward or forward into any other month and may not be applied against the tax calculated under subsection (b) of this section."

Section 14. Section 1 of this Act shall be effective for all tax periods beginning on or after January 1, 1985. Section 2 of this Act shall be effective upon the enactment of this Act intolaw.

Section 12 shall be effective for receipts after December 31,1991 and before July 1, 1995. Sections 3 through 11 and 13 of this Act shall be effective for gross receipts received after June 30, 1991, and before July 1,1995; provided that the Director of Revenue shall determine, notwithstanding any other provision of law, the due date for remittances of taxes imposed by Sections 3 through 13 of this Actfor taxable months beginning after June 30, 1991 and ending before January 1, 1992, further provided that the Director shall require such remittances be made no later than February 28, 1992. Fortaxable periods beginning after December 31, 1991, remittances shall be due as otherwise provided by law.

Section 15. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of theAct or the Delaware Code which shall be given effect without the invalid provision or application, and to that end the provisions ofthis Act are declared to be severable.

Approved July 1, 1991.

CHAPTER 81

FORMERLY

HOUSE BILL NO. 348
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 8 OF THE DELAWARE CODE RELATING TO CORPORATE FRANCHISE TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all the members of each House thereof concurring therein):

Section 1. Amend §503(a), Title 8 of the Delaware Code by striking the symbol and amount "$140" wherever they appear and substituting in lieu thereof the symbol and amount "$200"; and by striking in their entirety paragraphs (1) and (2) as they appear in said subsection and substituting in lieu thereof the following:

"(1) Where the authorized capital stock does not exceed 3,000 shares, $30; where the authorized capital stock exceeds 3,000 shares but is not more than 5,000 shares, $50; where the authorized capital stock exceeds 5,000 shares but is not more than 10,000 shares, $90; and the further sum of $50 on each 10,000 shares or part thereof.

(2) Thirty dollars, where the assumed no-par capital of the corporation, found in the manner provided in this paragraph, does not exceed $300,000; $50, where the assumed no-par capital exceeds $300,000 but is not morethan $500,000; $90, where such assumed no-par capital exceeds $500,000 but is not more than $1,000,000, and the further sum of $50 for each $1,000,000 or part thereof of such additional assumed no-par capital."

Section 2. Amend §503(c), Title 8 of the Delaware Code by striking the symbol and amount "$130,000" and substituting in lieu thereof the symbol and amount "$150,000".

Section 3. Amend §504(a), Title 8 of the Delaware Code by striking paragraphs (1), (2), and (3) in their entirety and substituting in lieu thereof the following:

"(1) Forty percent of the estimated tax on the first day of June of the current year;

(2) Twenty percent of the estimated tax on the first day of September of the current year;

(3) Twenty percent of the estimated tax on the first day of December of the current year; and".

Section 4. If any provision of this Act of the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 5. Sections 1 and 2 of this Act shall be effective with respect to franchise taxes for 1991 and years thereafter. Section 3 of this Act shall be effective with respect to franchise taxes for 1992 and years thereafter.

Approved July 1, 1991.

CHAPTER 82

FORMERLY

HOUSE BILL NO. 349

AN ACT TO AMEND CHAPTERS 11 AND 19 OF TITLE 30 OF THE DELAWARE CODE RELATING TO INCOME TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all the members of each House thereof concurring therein):

Section 1. Amend §1102, Title 30 of the Delaware Code by deleting from the first sentence of said section the following phrase: "and on the taxable income of every nonresident which is derived from sources within this State".

Section 2. Amend §1121, Title 30 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following:

"§1121. Imposition of tax upon nonresidents.

A tax is hereby imposed for each taxable year on the taxable income of every nonresident individual of this State equal to the tax determined under §1102 of this title as if such individual were a resident, multiplied by a fraction, the numerator of which is such individual's modified Delaware source income and the denominator of which is such individual's Delaware adjusted gross income."

Section 3. Amend §1122, Title 30 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following:

"§1122. Modified Delaware source income.

The modified Delaware source income of a nonresident individual means that part of such individual's federal adjusted gross income and modifications provided for under §1106 of this title derived from sources within this State determined under §1124 of this title."

Section 4. Amend §1123, Title 30 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following:

"§1123. Delaware adjusted gross income.

The Delaware adjusted gross income of an individual means such individual's federal adjusted gross income with the modifications provided for under §1106 of this title."

Section 5. Amend §1124, Title 30 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following:

"§1124. Income derived from sources within this State.

(a) General. That part of a nonresident individual's federal adjusted gross income derived from sources within this State shall be the sum of the following:

(1) The amount of items of income, gain, loss, and deduction entering into his federal adjusted gross income which is derived from sources in this State, including (i) his distributive share of partnership income and deductions determined under the provisions of section 1145 of this title, and (ii) his share of estate or trust income and deductions determined under the provisions of section 1142 of this title; and

(2) the portion of the modifications described in subsections (a), (b) and (c) of section 1106 of this title which relate to income derived from sources in this State, including any modifications attributable to him as a partner.

(b) Income and deductions having source within this State. Items of income, gain, loss and deduction derived from, or connected with, sources within this State are those items attributable to:

(1) Compensation, other than pensions, as an employee in the conduct of the business of an employer, for personal services (i) rendered in this State,

or (ii) attributable to employment in this State and not required to be performed elsewhere;

(2) The ownership or disposition of any interest in real or tangible personal property in this State;

(3) A business, trade, commerce, profession or vocation carried on in this State; or

(4) Winnings from parimutuel wagering derived from the conduct of parimutuel activities within this State;

(c) Intangibles. Income from intangible personal property, including annuities, dividends, interest, and gains from the disposition of intangible personal property, shall constitute income derived from sources within this State only to the extent that such income is from property employed by the taxpayer in a business, trade, commerce, profession or vocation carried on in this State.

(d) Deduction for losses. Deductions for capital losses, net capital gains and net operating losses shall be based solely on income, gains, losses and deductions derived from, or connected with, sources in this State, but otherwise shall be determined in the same manner as the corresponding federal deductions.

(e) Small business corporation shareholder. For a nonresident individual who is a shareholder of a corporation which is a Subchapter S corporation for federal income tax purposes, the undistributed taxable income of such corporation shall not constitute income derived from sources within this State and a net operating loss of such corporation shall not constitute a loss or deduction connected with sources in this State.

(f) Apportionment and allocation. If a business, trade, commerce, profession or vocation is carried on partly within this State and partly without this State, the items of income and deduction derived from, or connected with, sources within this State shall be determined by apportionment and allocation under rules prescribed by the Director of the Division of Revenue.

(g) Service in armed forces. Compensation paid by the United States for service in the armed forces of the United States performed by a nonresident shall not constitute income derived from sources within this State."

Section 6. Amend §1125, Title 30 of the Delaware Code by striking said section in its entirety and substituting in lieu thereof a new Section 1125 to read as follows:

"§1125. Individual who is Delaware resident for part of year; computation of tax. An individual who is a resident of this State for only part of a taxable year shall have the election to either:

(a) Report and compute the tax as payable by such individual under this chapter as if he or she were a resident for the entire taxable year and be allowed the applicable credit as provided in §1111 of this Title; or

(b) Report and compute the tax as if he or she were a nonresident of this State for the entire year, except, however, that for purposes of such computation: (i) such individual's modified Delaware source income (as otherwise determined under §1122 of this title) for that period during which such individual was a resident of this State shall include all items of income, gain, loss and deduction whether or not derived from, or connected with, sources within this State; and (ii) the credit provided by §1111 of this title shall be allowed; provided that, however, for purposes of computing such credit, the amount of income taxes paid to another state shall be deemed to be limited by an amount which bears the same ratio to the total income taxes actually paid by such individual to such other state for such taxable year as the amount of Delaware adjusted gross income derived from sources within such other state (applying the rules of § 1124 of this title) while such individual was a resident of this State bears to the total Delaware adjusted gross income derived from sources within such other state (applying the rules of §1124 of this title) for such taxable year."

Section 7. Amend Chapter 11, Title 30 of the Delaware Code by striking §1126 of said chapter in its entirety.

Section 8. Amend §1166, Title 30 of the Delaware Code by striking said section in its entirety.

Section 9. Amend §1903(a), Title 30 of the Delaware Code by deleting all the words of said subsection between the designation "(a)" and the beginning of paragraph (1) of said subsection and substituting in lieu thereof the following:

"The 'entire net income' of a corporation for any income year means the amount of its federal taxable income for such year as computed for purposes of the federal income tax increased by (i) any interest income (including discount) on obligations issued bystates of the United States or political subdivisions thereof other than this State and its subdivisions, and (ii) the amount of any deduction allowed for purposes of the federal income tax pursuant to §164 of the Internal Revenue Code [26 U.S.C. §164] for taxes paid on, or according to or measured by, in whole or in part, suchcorporation's net income or profits, to any state (including this State), territory, county, or political subdivision thereof, or any tax paid in lieu of such income tax, and its federal taxable incomeshall be further adjusted by eliminating:"

Section 10. Amend §1903(a), Title 30 of the Delaware Code by deleting paragraph (1) of said subsection in its entirety, and renumbering the remaining paragraphs accordingly.

Section 11. Sections 1 through 8 of this Act shall be effective for taxable periods commencing on or after January 1, 1992. Sections 9 and 10 of this Act shall be effective for taxable periods ending after the date of this Act's enactment into law.

Section 12. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act areseverable.

Approved July 1, 1991.

CHAPTER 83

FORMERLY

HOUSE BILL NO. 383
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE PRIVILEGE TAX ON CERTAIN DOMESTIC INSURERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Delete §703 of Title 18, Delaware Code, in its entirety and substitute in lieu thereof new §703 as follows:

§703. Privilege tax on certain domestic insurers.

(a) Except as provided in subsection (e) of this section, a domestic insurer, other than a mutual insurer doing business on the assessment premium plan, shall pay to the Commissioner for the use of the State an annual privilege tax in the amount determined in accordance with subsections (b) and (c) of this section, due and payable at the same time as the premium tax and estimated payments as provided in §702 of this title. The payment of such privilege tax shall accompany a form as designated and furnished by the Commissioner, together with such information required thereon relating to the provisions of this section.

(b) For purposes of subsection (a), the privilege tax with respect to each year shall be an amount determined in accordance with following table, less any credits provided in subsection (c) of this section:

If annual gross receipts are:

The annual privilege tax shall be:

Under $1,000,000	Exempt
$1,000,000 to $5,000,000	$10,000
$5,000,001 to $10,000,000	$25,000
$10,000,001 to $20,000,000	$45,000
$20,000,001 to $30,000,000	$65,000
$30,000,001 to $40,000,000	$85,000
over $40,000,000	$95,000

For purposes of the foregoing table and subsection (e), the 'annual gross receipts' of a domestic insurance company shall consist of its net premium income and its investment income. As the terms are used herein: (i) the term 'net premium income' shall mean an amount determined by taking the domestic insurer's gross direct premium income and all other considerations for insurance received by the domestic insurer on account of insurance contracts, but excluding considerations received for annuity contracts, and subtracting therefrom the amount of any returned premiums on cancelled policies (but not including the return of cash surrender values of life insurance policies) and the unabsorbed portion of any deposit premium and the amount returned to policyholders as dividends and similar returns, whether paid in cash or credited or applied in reduction of premiums; and (ii) the term 'investment income' shall mean the amount shown on the line for investment income on the annual statement filed in accordance with §526(a) of this title.

(c) In determining the annual privilege tax under subsection (a), the amount of tax determined in the table provided in subsection (b) shall be reduced, but with respect to domestic insurers that do not maintain their principal offices in the state to an amount not less than $15,000, by the credits with respect to such year provided in this subsection. Except as limited by subsection (d), the domestic insurer subject to tax under this

section is entitled to credits against annual privilege tax liability as follows:

(1) For each $100,000 of gross salaries, wages and other compensation paid by the domestic insurer and its affiliates for employee services performed within Delaware, the domestic insurer shall be entitled to a credit of $1,500 for such year;

(d) Domestic insurers shall not be entitled to carry-over or carry back or otherwise apply a credit to any year other than the year to which the credit originally applies.

(e) In the case of domestic insurers with one, two or three domestic insurer affiliates, only the affiliate with the largest gross receipts as defined herein shall be subject to the annual privilege tax imposed pursuant to subsection (b). Any affiliates exceeding three in number shall each be subject to the annual privilege tax.

(f) For purposes of subsections (c) and (e), 'affiliate' shall (1) have the same meaning as provided in Subchapter V of Chapter 7 of Title 5, Delaware Code, and (2) shall mean any corporation which is a member of a controlled group of corporations as defined in §1563(a) of the Internal Revenue Code of 1986 ('IRC'), without regard to subsections (a)(4) and (b)(2)(D) of IRC §1563, except that 'more than 50 percent' shall be substituted for 'at least 80 percent' each place it appears in IRC §1563(a); provided further that 'affiliate' shall also include, the insurance division of a bank created pursuant to 5 Del. C. §767(a).

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Section 3. This Act shall become effective for tax years commencing on or after January 1, 1991.

Approved July 1, 1991.

CHAPTER 84

FORMERLY

HOUSE BILL NO. 350

AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF THE STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1992; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The several amounts named in this Act, or such part thereof as may be necessary and essential to the proper conduct of the business of the agencies named herein, during the Fiscal Year ending June 30, 1992, are hereby appropriated and authorized to be paid out of the Treasury of the State by the respective departments and divisions of State Government, and other specified spending agencies, subject to the limitations of this Act and to the provisions of Title 29, Part VI, Delaware Code, as amended or qualified by this Act, all other provisions of the Delaware Code notwithstanding. All parts or portions of the several sums appropriated by this Act which, on the first day of July 1992, shall not have been paid out of the State Treasury, shall revert to the General Fund; provided, however, that no funds shall revert which are encumbered pursuant to Title 29, Section 6521, Delaware Code.

The several amounts hereby appropriated are as follows:

DEPARTMENTS	
(01-00-00) LEGISLATIVE	
(01-01-01) General Assembly - House	
Salaries - House Members	$ 1,075.6
Salaries (21.0)	645.3
Salaries - Attaches	361.1
Other Employment Costs	444.4
Travel	
Mileage - Legislators	58.0
Other - Travel	30.2
Contractual Services	289.2
Supplies and Materials	15.0
Capital Outlay	50.0
Expenses - House Members	300.9
House Committee Expenses	35.0
TOTAL -- General Assembly - House	$ 3,304.7
(01-02-01) General Assembly - Senate	
Salaries - Senate Members	$ 586.5
Salaries (14.0)	411.3

Salaries - Attaches	326.0
Other Employment Costs	309.0
Travel	
Mileage - Legislative	38.5
Other - Travel	50.0
Contractual Services	185.2
Supplies and Materials	33.0
Capital Outlay	40.0
Advertising - Senate Substance Abuse Comm.	200.0
Expenses - Senate Members	154.1
Senate Committee Expenses	75.0
TOTAL -- General Assembly - Senate	$ 2,408.6
(01-05-01) Commission on Interstate Cooperation	
Travel	$ 18.0
Legislative Travel	75.0
Contractual Services	30.0
Contractual Services - Appalachian Compact	8.3
Supplies and Materials	.5
Council of State Governments	51.7
Delaware River Basin Commission	253.5
National Conference of State Legislatures	56.2
TOTAL -- Commission on Interstate Cooperation	$ 493.2
(01-08-00) Legislative Council	
(01-08-01) Division of Research	
Salaries (16.0)	$ 440.7
Other Employment Costs	142.6
Travel	8.5
Contractual Services	63.5
Supplies and Materials	48.1
Capital Outlay	32.0
Sunset Committee Expenses	36.4
Sub-Total	$ 771.8
Debt Service	$ 14.3
TOTAL -- Division of Research	$ 786.1
(01-08-02) Office of the Controller General	
Salaries (13.0)	$ 565.9
Other Employment Costs	159.9
Travel	15.4
Contractual Services	94.2
Supplies and Materials	28.5
Capital Outlay	2.7
Family Law Commission Expenses	3.4
Contingency - Zero Base Budget	14.5
Contingency - Internship	10.0
Contingency - Legislative Council	20.0
TOTAL -- Office of the Controller General	$ 914.5

(01-08-03) Code Revisors				
Travel				$ .5
Contractual Services				165.8
Supplies and Materials				1.0
TOTAL -- Code Revisors				$ 167.3
(01-08-06) Commission on Uniform State Laws				
Travel				$ 8.5
Contractual Services				8.1
Supplies and Materials				.1
TOTAL -- Commission on Uniform State Laws				$ 16.7
TOTAL -- Legislative Council				$ 1,884.6
TOTAL -- LEGISLATIVE				$ 8,091.1
TOTAL POSITIONS				
GF - 64.0				
(02-00-00) JUDICIAL				
(02-01-00) Supreme Court				
Personnel Costs (22.0)			$	$ 1,408.2
Travel			4.5	27.3
Contractual Services			17.0	81.7
Supplies and Materials			1.3	9.5
Capital/Equipment			3.2	17.0
Court on the Judiciary				1.0
TOTAL -- Supreme Court			$ 26.0	$ 1,544.7
(-10) Appeals Processing (21.6)	$	$ 1,446.5		
(-20) Regulation of the Practice of Law	26.0			
(-30) Judicial Branch Administration (.4)		98.2		
TOTAL -- Internal Program Units	$ 26.0	$ 1,544.7		
(02-02-00) Court of Chancery				
Personnel Costs (24.0)				$ 1,458.6
Travel				6.9
Contractual Services				56.1
Supplies and Materials				12.7
Capital/Equipment				12.5
TOTAL -- Court of Chancery				$ 1,546.8
(-10) Case Processing (22.8)		$ 1,479.3		
(-20) Administration (1.2)		67.5		
TOTAL -- Internal Program Units		$ 1,546.8		
(02-03-00) Superior Court				

(6.0)NSF	Personnel Costs (230.0)				$ 8,441.4
	Travel				31.4
	Contractual Services				466.9
	Supplies and Materials				73.0
	Capital/Equipment				37.0
	TOTAL -- Superior Court				$ 9,049.7
(1.0)NSF	(-10) Case Processing (105.0)		$ 5,354.1		
(5.0)NSF	(-20) Presentence Investigation (30.0)		955.4		
	(-30) Administration (6.0)		178.1		
	(-40) Arbitration (4.0)		118.8		
	(-50) NCC Prothonotary (63.0)		1,882.4		
	(-60) Kent County Prothonotary (11.0)		296.3		
	(-70) Sussex County Prothonotary (11.0)		264.6		
	TOTAL -- Internal Program Units		$ 9,049.7		
	(02-06-00) Court of Common Pleas				
	Personnel Costs (66.0)				$ 2,581.3
	Travel				2.8
	Contractual Services				84.0
	Supplies and Materials				20.1
	Capital/Equipment				9.5
	TOTAL -- Court of Common Pleas				$ 2,697.7
	(-10) Court Operations (66.0)		$ 2,697.7		
	TOTAL -- Internal Program Unit		$ 2,697.7		
	(02-08-00) Family Court				
(58.0)ASF	Personnel Costs (229.0)			$ 1,557.0	$ 8,343.9
(15.0)NSF	Travel			11.4	20.5
	Contractual Services			100.3	462.7
	Supplies and Materials			28.0	90.8
	Capital/Equipment			50.5	6.7
	TOTAL -- Family Court			$ 1,747.2	$ 8,924.6
(58.0)ASF	(-10) Court Activities (229.0)				
(15.0)NSF		$ 1,747.2	$ 8,924.6		
	TOTAL -- Internal Program Unit	$ 1,747.2	$ 8,924.6		
	(02-13-00) Justices of the Peace Courts				
	Personnel Costs (211.0)				$ 6,738.5
	Travel				92.3
	Contractual Services				453.5
	Energy				66.8
	Supplies and Materials				93.4
	Capital/Equipment				12.5
	Sub-Total				$ 7,457.0
	Debt Service				$ 67.9

	TOTAL — Justices of the Peace Courts				$ 7,524.9
	(-10) Case Processing (197.0)		$ 7,034.9		
	(-20) Support Service (14.0)		490.0		
	TOTAL — Internal Program Units		$ 7,524.9		
	(02-17-00) Administrative Office of the Courts - Court Services				
(2.0)NSF	Personnel Costs (32.0)				$ 1,374.2
	Travel				12.3
	Contractual Services				2,442.8
	Energy				1.6
	Supplies and Materials				23.7
	Capital/Equipment				254.9
	Retired Judges				6.0
	TOTAL — Administrative Office of the Courts - Court Services				$ 4,115.5
	(-01) Office of the Director (16.0)		$ 2,983.6		
(2.0)NSF	(-04) Judicial Information Center (11.5)		749.8		
	(-05) Law Libraries (4.5)		382.1		
	TOTAL — Internal Program Units		$ 4,115.5		
	(02-18-00) Administrative Office of the Courts - Non-Judicial Services				
(8.0)ASF	Personnel Costs (13.0)			$ 304.1	$ 454.9
	Travel			18.4	20.6
	Contractual Services			54.1	49.5
	Energy			2.4	
	Supplies and Materials			3.5	10.0
	Capital/Equipment			6.5	2.5
	Other Items			1,284.3	8.0
	TOTAL — Administrative Office of the Courts - Non-Judicial Services			$ 1,673.3	$ 545.5
	(-01) Office of the Public Guardian (6.0)	$	$ 256.5		
(8.0)ASF	(-02) Violent Crimes Compensation Board	1,673.3			
	(-03) Foster Care Review Board (6.0)		238.0		
	(-04) Educational Surrogate Parent Program (1.0)		51.0		
	TOTAL — Internal Program Units	$ 1,673.3	$ 545.5		
TOTAL — JUDICIAL				$ 3,446.5	$ 35,949.4

TOTAL POSITIONS

GF - 827.0
ASF - 66.0
NSF - 23.0

(10-00-00) EXECUTIVE

(10-01-01) Office of the Governor

(1.0)ASF	Salaries (20.3)	$ 28.9	$ 916.4
(2.0)NSF	Other Employment Costs	8.7	267.3
	Travel	2.0	17.9
	Contractual Services	112.2	175.0
	Supplies and Materials	1.0	21.7
	Capital Outlay	1.0	10.6
	Woodburn Expenses		35.0
	Contingency - Other Expenses		8.7
	TOTAL -- Office of the Governor	$ 153.8	$ 1,452.6
	(10-02-00) Office of the Budget		
(12.0)ASF	Personnel Costs (188.6)	$ 408.1	$ 8,385.2
(3.0)NSF	Travel	18.4	52.2
	Contractual Services	2,181.8	6,788.8
	Energy		323.7
	Supplies and Materials	39.7	349.2
	Capital/Equipment	31.9	39.2
	Data Processing - Development Projects		2,000.0
	Budget Automation - Operations		74.6
	Contingency:		
	Budget Commission		150.0
	One-Time Appropriations		4,097.1
	Prior Years' Obligations		300.0
	Other Items		361.1
	Self Insurance		1,380.0
	Legal Fees		250.0
	Salary and ERO Termination		14,738.9
	Appropriated Special Funds	20,000.0	
	Sub-Total	$ 22,679.9	$ 39,290.0
	Debt Service		$ 446.2
	TOTAL -- Office of the Budget	$ 22,679.9	$ 39,736.2

(4.0)ASF	(-01) Office of the Budget Administration (27.0)	$ 844.7	$ 4,144.1
	(-04) Contingency & One-Time Items	20,000.0	21,127.1
	(-06) Budget Commission		150.0
(3.0)NSF	(-07) Postsecondary Education Commission (5.5)		1,822.3
	(-09) Office of Information Systems Production (64.0)	220.9	6,119.3
(8.0)ASF	(-11) Office of Information Systems Northern Data Center (10.1)	1,329.8	1,019.6
	(-12) Office of Information Systems Telecommunications Management (7.0)	127.0	694.0
	(-13) Office of Informations Systems Development (61.0)	87.5	3,218.8
	(-14) Office of Information Systems Planning & Data Administration (10.0)		668.3
	(-15) Office of Information Systems Administration (4.0)	70.0	772.7
	TOTAL -- Internal Program Units	$ 22,679.9	$ 39,736.2

(10-03-00) Delaware Development Office

	(10-03-01) Office of the Director		
	Salaries (13.0)		$ 442.7
	Other Employment Costs		147.6
	Travel		8.0
	Contractual Services		25.2
	Energy		30.0
	Supplies and Materials		4.2
	Capital Outlay		1.3
	Teacher Recruitment		40.0
	Sub-Total		$ 699.0
	Debt Service		$ 177.7
	TOTAL -- Office of the Director		$ 876.7
	(10-03-02) Delaware Tourism Office		
	Salaries (8.0)	$	$ 205.1
	Other Employment Costs		64.4
	Travel		25.0
	Contractual Services		466.7
	Supplies and Materials		10.0
	Capital Outlay		1.2
	Junior Miss		.5
	Mother of the Year		.8
	Young Mother of the Year		.8
	Business Tourism Promotion	245.0	100.0
	TOTAL -- Delaware Tourism Office	$ 245.0	$ 874.5
	(10-03-03) Delaware Economic Development Authority		
(4.0)ASF	Salaries (30.0)	$ 109.7	$ 1,038.6
	Other Employment Costs	37.1	313.0
	Travel	20.0	35.0
	Contractual Services	1,022.9	623.4
	Energy	1.4	
	Supplies and Materials	18.2	25.0
	Capital Outlay	19.0	12.8
	General Obligation Bonds	350.0	243.2
	International Trade		90.0
	Other Items	875.0	112.5
	Sub-Total	$ 2,453.3	$ 2,493.5
	Debt Service		$ 1,224.9
	TOTAL -- Delaware Economic Development Authority	$ 2,453.3	$ 3,718.4
	(10-03-04) State Housing Authority		
(56.0)ASF	Salaries	$ 1,411.9	
(3.0)NSF	Other Employment Costs	469.7	
	Travel	24.2	
	Contractual Services	767.2	
	Energy	18.2	
	Supplies and Materials	85.4	
	Capital Outlay	125.5	

	Holly Square			102.5	
	Huling Cove			163.5	
	Huling Cove Annex			348.0	
	Housing Development Fund			33,000.0	
	Public Housing			555.0	
	Home Improvement Insurance			276.0	
	Sub-Total			$ 37,347.1	
	Debt Service				$ 50.8
	TOTAL -- State Housing Authority			$ 37,347.1	$ 50.8
	TOTAL -- Delaware Development Office			$ 40,045.4	$ 5,520.4
	(10-04-00) Office of State Personnel				
(57.0)ASF	Personnel Costs (33.0)			$ 1,877.1	$ 1,505.8
	Travel			37.2	13.0
	Contractual Services			6,389.7	593.5
	Supplies and Materials			47.9	51.7
	Capital/Equipment			30.0	
	Generic Aides/Handicapped Employees (20.0)				246.4
	Travel Commission				2.0
	Ethics Commission				20.0
	Blue Collar			135.0	
(2.0)ASF	Workers' Compensation			10,800.0	
	Health Insurance-Retirees in Closed State Police Plan				1,877.3
	Pensions - Paraplegic Veterans				18.4
	Data Processing			280.0	
	TOTAL -- Office of State Personnel			$ 19,596.9	$ 4,328.1
(12.0)ASF	(-02) Operations (49.0)	$ 458.9	$ 1,778.7		
(2.0)ASF	(-04) Staff Development and Training (3.0)	217.5	261.9		
(2.0)ASF	(-05) Insurance Coverage Office (1.0)	10,800.0	391.8		
(43.0)ASF	(-06) Pensions	8,120.5	1,895.7		
	TOTAL -- Internal Program Units	$ 19,596.9	$ 4,328.1		
	(10-07-00) Criminal Justice				
	(10-07-01) Criminal Justice Council				
(4.5)NSF	Salaries (10.0)				$ 334.5
	Other Employment Costs				89.3
	Travel				5.5
	Contractual Services				36.5
	Supplies and Materials				2.9
	Capital Outlay				4.5
	SENTAC				9.5
	Other Grants				65.0
	TOTAL -- Criminal Justice Council				$ 547.7
	(10-07-02) Delaware Justice Information System				
	Salaries (5.0)				$ 196.9
	Other Employment Costs				55.9
	Travel				5.5

	Contractual Services		436.1
	Supplies and Materials		5.5
	Capital Outlay		12.6
	TOTAL — Delaware Justice Information System		$ 712.5
	(10-07-03) Statistical Analysis Center		
(2.0)NSF	Salaries (4.5)		$ 155.4
	Other Employment Costs		50.1
	Travel		4.1
	Contractual Services		9.9
	Supplies and Materials		3.3
	Capital Outlay		2.2
	TOTAL — Statistical Analysis Center		$ 225.0
	TOTAL — Criminal Justice		$ 1,485.2
	TOTAL — EXECUTIVE	$ 82,476.0	$ 52,522.5
	TOTAL POSITIONS		
	GF - 332.4		
	ASF - 132.0		
	NSF - 14.5		
	(12-00-00) OTHER ELECTIVE OFFICES		
	(12-01-01) Lieutenant Governor		
	Salaries (5.0)		$ 176.5
	Other Employment Costs		49.0
	Travel		8.0
	Contractual Services		15.7
	Supplies and Materials		2.0
	Expenses - Lieutenant Governor		6.4
	TOTAL — Lieutenant Governor		$ 257.6
	(12-02-01) Auditor of Accounts		
(16.0)ASF	Salaries (36.0)	$ 412.6	$ 1,201.0
	Other Employment Costs	130.8	392.5
	Travel	3.6	4.4
	Contractual Services	237.9	162.9
	Supplies and Materials	11.5	12.6
	Capital Outlay	15.3	
	OIS Audit		50.0
	TOTAL — Auditor of Accounts	$ 811.7	$ 1,823.4
	(12-03-00) Insurance Commissioner		
	(12-03-01) Regulatory Activities		
	Salaries (18.0)	$	$ 489.0
	Other Employment Costs		151.2
	Travel		3.9

	Contractual Services	29.5	157.2
	Supplies and Materials		2.4
	Malpractice Review		10.6
	Revenue Refund	.5	
	TOTAL — Regulatory Activities	$ 30.0	$ 814.3
	(12-03-02) Bureau of Examination, Rehabilitation and Guaranty		
(28.0)ASF	Salaries	$ 1,029.6	
	Other Employment Costs	304.2	
	Travel	60.0	
	Contractual Services	499.2	
	Supplies	26.2	
	Capital Outlay	80.0	
	Contract Examiners	6,500.0	
	Insurance Pool	40.0	
	TOTAL — Bureau of Examination, Rehabilitation and Guaranty	$ 8,539.2	
	(12-03-03) Delaware Insurance Authority		
	Contractual	$ 1,054.8	
	TOTAL — Delaware Insurance Authority	$ 1,054.8	
	TOTAL — Insurance Commissioner	$ 9,624.0	$ 814.3
	(12-05-00) State Treasurer		
	(12-05-01) Administration		
(6.0)ASF	Salaries (18.0)	$ 204.8	$ 532.7
(1.0)NSF	Other Employment Costs	61.0	178.2
	Travel	8.9	3.2
	Contractual Services	22.1	80.9
	Supplies and Materials	4.8	9.0
	Capital Outlay	4.0	
	Banking Services	850.0	
	Data Processing	62.0	
	Blood Bank Membership Dues		70.0
	TOTAL — Administration	$ 1,217.6	$ 874.0
	(12-05-03) Debt Management		
	Expense of Issuing Bonds		$ 219.6
	Debt Service - Regular		11,052.5
	Debt Service - Old		186.3
	Debt Service - Local Schools		2,749.1
	Debt Service - Farmers Bank Preferred Stock		1,211.0
	Debt Service - Solid Waste Authority		374.1
	Debt Service - Refunding		719.4
	Financial Advisor		35.0
	TOTAL — Debt Management		$ 16,547.0
	TOTAL — State Treasurer	$ 1,217.6	$ 17,421.0

	TOTAL — OTHER ELECTIVE OFFICES	$ 11,653.3	$ 20,316.3
	TOTAL POSITIONS		
	GF - 77.0		
	ASF - 50.0		
	NSF - 1.0		
	(15-00-00) LEGAL		
	(15-01-01) Office of Attorney General		
(6.0)ASF	Salaries (167.0)	$ 225.2	$ 5,272.2
(21.0)NSF	Other Employment Costs	63.7	1,597.7
	Travel		12.0
	Contractual Services	15.0	829.1
	Supplies and Materials		44.1
	Capital Outlay		47.0
	Extradition		55.0
	TOTAL — Office of Attorney General	$ 303.9	$ 7,857.1
	(15-02-01) Public Defender		
(12.0)NSF	Salaries (86.0)		$ 2,712.6
	Other Employment Costs		838.6
	Travel		1.9
	Contractual Services		387.6
	Supplies and Materials		24.4
	Capital Outlay		10.8
	TOTAL — Public Defender		$ 3,975.9
	(15-03-01) Board of Parole		
	Salaries (7.0)		$ 198.5
	Other Employment Costs		58.4
	Travel		4.0
	Contractual Services		13.2
	Supplies and Materials		4.6
	TOTAL — Board of Parole		$ 278.7
	TOTAL — LEGAL	$ 303.9	$ 12,111.7
	TOTAL POSITIONS		
	GF - 260.0		
	ASF - 6.0		
	NSF - 33.0		
	(20-00-00) DEPARTMENT OF STATE		
	(20-01-00) Office of the Secretary		
(1.0)ASF	Personnel Costs (11.0)	$ 24.9	$ 393.0

	Travel			12.6
	Contractual Services		226.0	94.5
	Energy			13.6
	Supplies and Materials		29.0	32.8
	Capital/Equipment		65.0	
	Sub-Total		$ 344.9	$ 546.5
	Debt Service			$ 53.9
	TOTAL -- Office of the Secretary		$ 344.9	$ 600.4
(1.0)ASF	(-01) Administration (5.0)	$ 324.9	$ 316.5	
	(-02) Delaware Commission on Veterans Affairs (2.0)		114.3	
	(-03) Delaware Veterans Memorial Cemetery (4.0)	20.0	169.6	
	TOTAL -- Internal Program Units	$ 344.9	$ 600.4	
	(20-02-00) Office of Human Relations			
(1.0)ASF	Personnel Costs (6.0)		$ 33.7	$ 201.8
	Travel		5.0	5.0
	Contractual Services		9.6	16.2
	Supplies and Materials		1.2	3.7
	TOTAL -- Office of Human Relations		$ 49.5	$ 226.7
(1.0)ASF	(-01) Office of Human Relations (6.0)	$ 49.5	$ 226.7	
	TOTAL -- Internal Program Unit	$ 49.5	$ 226.7	
	(20-05-00) Corporations			
(47.0)ASF	Personnel Costs (30.0)		$ 1,301.4	$ 961.2
	Travel		29.8	
	Contractual Services		797.6	
	Supplies and Materials		40.3	
	Capital/Equipment		300.0	
	Sub-Total		$ 2,469.1	$ 961.2
	Debt Service			$ 43.6
	TOTAL -- Corporations		$ 2,469.1	$ 1,004.8
(47.0)ASF	(-01) Corporations (30.0)	$ 2,469.1	$ 1,004.8	
	TOTAL -- Internal Program Unit	$ 2,469.1	$ 1,004.8	
	(20-06-00) Historical and Cultural Affairs			
(3.5)ASF	Personnel Costs (67.5)		$ 95.5	$ 1,827.0
(7.5)NSF	Travel		4.6	
	Contractual Services		64.4	178.4
	Energy			112.8
	Supplies and Materials		114.3	95.3
	Capital/Equipment		3.5	
	Delaware Heritage Commission			81.0

Sub-Total			$ 282.3	$ 2,294.5
Debt Service				$ 450.9
TOTAL — Historical and Cultural Affairs			$ 282.3	$ 2,745.4
(-01) Office of Administration (4.0)	$	$ 410.9		
(3.0)ASF (-02) Archives and Records				
(3.5)NSF Management (29.0)	143.0	960.4		
(4.0)NSF (-03) Bureau of Archaeology and Historic Preservation (4.0)		145.5		
(.5)ASF (-04) Bureau of Museums and Historic Sites (30.5)	139.3	1,228.6		
TOTAL — Internal Program Units	$ 282.3	$ 2,745.4		
(20-07-00) Arts				
(2.8)NSF Personnel Costs (6.0)				$ 197.2
Travel				2.5
Contractual Services				70.8
Supplies and Materials				2.5
Delaware Art				1,038.9
TOTAL — Arts				$ 1,311.9
(2.8)NSF (-01) Office of the Director (6.0)		$ 1,311.9		
TOTAL — Internal Program Unit		$ 1,311.9		
(20-08-00) Libraries				
(9.0)NSF Personnel Costs (9.0)				$ 268.3
Travel				1.0
Contractual Services				198.2
Supplies and Materials				44.0
Library Standards				833.0
Sub-Total				$ 1,344.5
Debt Service				$ 2.3
TOTAL — Libraries				$ $1,346.8
(9.0)NSF (-01) Libraries (9.0)		$ 1,346.8		
TOTAL — Internal Program Unit		$ 1,346.8		
(20-15-00) State Banking Commission				
(44.0)ASF Personnel Costs			$ 1,548.2	
Travel			42.5	
Contractual Services			260.9	
Supplies and Materials			26.6	
Capital/Equipment			57.5	
Revenue Refund			2.0	
TOTAL — State Banking Commission			$ 1,937.7*	

(44.0)ASF	(-01) State Banking Commission	$ 1,937.7		
	TOTAL -- Internal Program Unit	$ 1,937.7		
	*Special Funds total budget appropriated per Chapter 1, Title 5, Delaware Code.			
	TOTAL -- DEPARTMENT OF STATE		$ 5,083.5	$ 7,236.0
	TOTAL POSITIONS			
	GF - 129.5			
	ASF - 96.5			
	NSF - 19.3			
	(25-00-00) DEPARTMENT OF FINANCE			
	(25-01-00) Office of the Secretary			
	Personnel Costs (17.0)			$ 801.7
	Travel			8.7
	Contractual Services			148.7
	Supplies and Materials			9.6
	Capital/Equipment			2.7
	Fiscal Notebook			2.0
	TOTAL -- Office of the Secretary			$ 973.4
	(-01) Office of the Secretary (17.0)	$ 973.4		
	TOTAL -- Internal Program Unit	$ 973.4		
	(25-05-00) Accounting			
	Personnel Costs (42.0)			$ 1,480.0
	Travel			7.0
	Contractual Services			348.6
	Supplies and Materials			71.9
	Capital/Equipment			13.0
	State Accounting Course			33.0
	TOTAL -- Accounting			$ 1,953.5
	(-01) Accounting (42.0)	$ 1,953.5		
	TOTAL -- Internal Program Unit	$ 1,953.5		
	(25-06-00) Revenue			
(6.0)ASF	Personnel Costs (204.0)		$ 251.8	$ 6,871.2
	Travel		3.0	53.6
	Contractual Services		7.5	1,176.0
	Energy			1.5
	Supplies and Materials		2.8	108.2
	Capital/Equipment		10.0	70.0
	Credit Card Processing		40.5	
	FCA Contracts		100.0	
	Escheat		35.0	

	Sub-Total		$ 450.6	$ 8,280.5
	Debt Service			$ 78.9
	TOTAL -- Revenue		$ 450.6	$ 8,359.4
(6.0)ASF	(-01) Revenue (204.0)	$ 450.6 $ 8,359.4		
	TOTAL -- Internal Program Unit	$ 450.6 $ 8,359.4		
	(25-07-00) State Lottery Office			
(25.0)ASF	Personnel Costs		$ 839.4	
	Travel		14.8	
	Contractual Services		4,283.8	
	Supplies and Materials		42.8	
	Capital/Equipment		129.8	
	TOTAL -- State Lottery Office		$ 5,310.6*	
(25.0)ASF	(-01) State Lottery Office	$ 5,310.6		
	TOTAL -- Internal Program Unit	$ 5,310.6		
	*Special Funds appropriated under Chapter 48, Title 29, Delaware Code.			
	TOTAL -- DEPARTMENT OF FINANCE		$ 5,761.2	$ 11,286.3
	TOTAL POSITIONS			
	GF - 263.0			
	ASF - 31.0			
	(30-00-00) DEPARTMENT OF ADMINISTRATIVE SERVICES			
	(30-01-00) Administration			
(4.5)NSF	Personnel Costs (19.5)			$ 770.8
	Travel			.4
	Contractual Services			61.8
	Supplies and Materials			7.0
	Sub-Total			$ 840.0
	Debt Service			$ 84.9
	TOTAL -- Administration			$ 924.9
	(-10) Office of the Secretary (15.0)	$ 650.7		
(4.5)NSF	(-20) Handicapped Services (1.5)	136.1		
	(-40) Public Employment Relations Board (3.0)	138.1		
	TOTAL -- Internal Program Units	$ 924.9		
	(30-02-00) Capitol Police			
(4.0)ASF	Personnel Costs (31.0)		$ 102.6	$ 856.5
	Contractual Services		.6	308.4

	Supplies and Materials			33.4
	TOTAL — Capitol Police		$ 103.2	$ 1,198.3
(4.0)ASF	(-10) Capitol Police (31.0)	$ 103.2	$ 1,198.3	
	TOTAL — Internal Program Unit	$ 103.2	$ 1,198.3	
	(30-03-00) Regulation and Licensing			
(29.0)ASF	Personnel Costs (54.5)		$ 1,184.6	$ 1,808.6
	Travel		57.9	16.2
	Contractual Services		1,463.2	165.2
	Supplies and Materials		27.4	24.4
	Capital/Equipment		32.0	1.9
	Revenue Refunds		350.0	
	TOTAL — Regulation and Licensing		$ 3,115.1	$ 2,016.3
(2.0)ASF	(-10) Alcoholic Beverage Control Commission (21.5)	$ 81.4	$ 734.3	
(3.0)ASF	(-20) Professional Regulation (19.0)	456.9	723.3	
(23.0)ASF	(-30) Public Service Commission	2,440.0		
	(-40) Consumer Affairs (12.0)	1.5	448.3	
(1.0)ASF	(-50) Public Advocate (2.0)	135.3	110.4	
	TOTAL — Internal Program Units	$ 3,115.1	$ 2,016.3	
	(30-04-00) Support Operations			
(20.5)ASF	Personnel Costs (19.5)		$ 629.5	$ 450.8
	Travel		10.3	
	Contractual Services		6,418.5	18.2
	Energy		11.9	3.7
	Supplies and Materials		325.6	7.4
	Capital/Equipment		481.7	
	TOTAL — Support Operations		$ 7,877.5	$ 480.1
	(-10) Mail/Courier Services (11.0)	$ 701.0	$ 251.6	
	(-20) Telephone Services (8.5)	5,391.3	228.5	
(16.5)ASF	(-30) Graphics and Printing	1,426.7		
(4.0)ASF	(-40) Fleet Management	358.5		
	TOTAL — Internal Program Units	$ 7,877.5	$ 480.1	
	(30-05-00) Facilities Management			
(4.0)ASF	Personnel Costs (72.0)		$ 134.3	$ 2,108.8
(5.0)NSF	Travel		4.5	
	Contractual Services		3.5	2,162.3
	Energy			1,030.5
	Supplies and Materials		1.5	181.5
	Capital/Equipment		422.6	
	Real Estate Acquisition Program (REAP)		293.5	2,074.9
	Sub-Total		$ 859.9	$ 7,558.0
	Debt Service			$ 7,931.4

	TOTAL -- Facilities Management			$ 859.9	$ 15,489.4
(4.0)ASF (5.0)NSF	(-10) Property Management (17.0)	$ 437.3	$ 10,761.7		
	(-20) Building Operations/Maintenance (55.0)	422.6	4,727.7		
	TOTAL -- Internal Program Units	$ 859.9	$ 15,489.4		
	(30-06-00) Purchasing				
(8.0)ASF (2.0)NSF	Personnel Costs (19.0)			$ 208.5	$ 637.6
	Travel			10.1	3.7
	Contractual Services			151.4	80.1
	Energy			11.0	14.4
	Supplies and Materials			164.3	29.7
	Capital/Equipment			135.0	
	Hedging				299.9
	TOTAL -- Purchasing			$ 680.3	$ 1,065.4
	(-10) Purchasing (14.0)	$ 100.0	$ 781.3		
(3.0)ASF	(-20) Surplus Property (1.0)	228.5	67.5		
(5.0)ASF (2.0)NSF	(-30) Food Distribution (4.0)	351.8	216.6		
	TOTAL -- Internal Program Units	$ 680.3	$ 1,065.4		
	TOTAL -- DEPARTMENT OF ADMINISTRATIVE SERVICES			$ 12,636.0	$ 21,174.4
	TOTAL POSITIONS				
	GF - 215.5 ASF - 65.5 NSF - 11.5				
	(35-00-00) DEPARTMENT OF HEALTH AND SOCIAL SERVICES				
	(35-01-00) Administration				
(12.3)ASF (57.3)NSF	Personnel Costs (115.6)			$ 456.1	$ 4,625.2
	Travel			16.9	15.8
	Contractual Services			200.0	553.6
	Energy				45.0
	Supplies and Materials			18.4	35.0
	Capital/Equipment			76.5	260.7
	Pilot Projects				1,013.4
	Education & Prevention				400.0
	Program Evaluation				300.0
	Young Adult Mental Health Program				831.0
	Sub-Total			$ 767.9	$ 8,079.7
	Debt Service				$ 1,499.4
	TOTAL -- Administration			$ 767.9	$ 9,579.1
	(-10) Office of the Secretary (5.6)	$ 33.4	$ 1,164.4		
(9.3)ASF	(-20) Business Administration (66.7)	540.7	3,596.8		

(33.1)NSF					
(3.0)ASF	(-30) Health Planning (8.0)	153.8	1,090.5		
(18.7)NSF	(-40) Planning, Research & Evaluation (18.8)	40.0	1,033.6		
	(-50) Delaware Health Care Commission (2.0)		2,016.0		
(5.5)NSF	(-60) Information Resource Management (14.5)		677.8		
	TOTAL -- Internal Program Units	$ 767.9	$ 9,579.1		
	(35-04-00) Medical Examiner				
	Personnel Costs (30.0)				$ 1,487.2
	Travel				7.1
	Contractual Services				103.0
	Energy				35.6
	Supplies and Materials				116.4
	Capital/Equipment				42.3
	Sub-Total				$ 1,791.6
	Debt Service				$ 174.2
	TOTAL -- Medical Examiner				$ 1,965.8
	(-01) Medical Examiner (30.0)		$ 1,965.8		
	TOTAL -- Internal Program Unit		$ 1,965.8		
	(35-05-00) Public Health				
(27.4)ASF	Personnel Costs (1,391.5)			$ 959.0	$ 37,963.7
(150.1)NSF	Travel			7.0	30.7
	Contractual Services			528.9	5,508.1
	Energy				1,279.4
	Supplies and Materials			131.2	2,699.1
	Capital/Equipment			37.3	216.3
	Other Items:				
	Renal Disease				296.2
	Right-to-Know				37.1
	Treatment of Handicapped				98.0
	AIDS				178.2
	Animal Bite Control				39.6
	Office of Narcotics & Dangerous Drugs				20.0
	Sub-Total			$ 1,663.4	$ 48,366.4
	Debt Service				$ 1,662.6
	TOTAL -- Public Health			$ 1,663.4	$ 50,029.0
(6.0)ASF	(-10) Director's Office (85.0)	$ 193.9	$ 3,576.2		
(25.0)NSF					
(21.4)ASF	(-20) Community Health (288.3)	1,469.5	13,303.7		
(123.1)NSF					
	(-30) Office of Paramedic Administration (5.0)		1,083.0		
	(-40) Delaware Hospital for the Chronically Ill (655.1)		19,765.5		

(2.0)NSF	(-50) Emily Bissell (218.1)		7,604.2		
	(-60) Governor Bacon (140.0)		4,696.4		
	TOTAL -- Internal Program Units	$ 1,663.4	$ 50,029.0		
	(35-06-00) Alcoholism, Drug Abuse and Mental Health				
(1.0)ASF	Personnel Costs (826.0)			$ 42.7	$ 24,161.0
(20.8)NSF	Travel				13.2
	Contractual Services			103.1	10,031.6
	Energy				921.6
	Supplies and Materials			.2	1,565.1
	Capital/Equipment				144.0
	Other Items:				
	Sheltered Workshop				9.9
	Residential Detox				1,208.5
	Sub-Total			$ 146.0	$ 38,054.9
	Debt Service				$ 1,461.8
	TOTAL -- Alcoholism, Drug Abuse and Mental Health			$ 146.0	$ 39,516.7
(10.0)NSF	(-10) Administration - Mental Health (15.0)	$	$ 723.9		
	(-20) Community Mental Health (128.1)		10,000.6		
(1.0)ASF	(-30) Inpatient Mental Health (672.9)	49.8	25,106.4		
(1.8)NSF					
(9.0)NSF	(-40) Alcoholism & Drug Abuse (10.0)	96.2	3,685.8		
	TOTAL -- Internal Program Units	$ 146.0	$ 39,516.7		
	(35-07-00) Social Services				
(270.5)NSF	Personnel Costs (248.9)				$ 7,328.5
	Travel				11.2
	Contractual Services				2,075.5
	Energy				37.7
	Supplies and Materials				93.0
	Capital/Equipment				48.9
	Other Items:				
	General Assistance				2,629.3
	General Assistance - Health Insurance				1,828.0
	AFDC				18,122.6
	Homemaker				114.8
	SSI Supplement				761.3
	Child Care				3,762.2
	Emergency Assistance				297.0
	First Step				527.2
	Medicaid - State				23,141.1
	Medicaid - Non-State				72,843.8
	TOTAL -- Social Services				$133,622.1
(270.5)NSF	(-01) Social Services (248.9)		$133,622.1		
	TOTAL -- Internal Program Unit		$133,622.1		
	(35-08-00) Visually Impaired				

(2.8)ASF	Personnel Costs (23.5)			$ 80.7	$ 841.1
(24.2)NSF	Travel				2.5
	Contractual Services			.5	187.7
	Energy				37.6
	Supplies and Materials				38.3
	Capital/Equipment			4.0	16.7
	Business Enterprise Program			610.0	
	TOTAL — Visually Impaired			$ 695.2	$ 1,123.9
(2.8)ASF	(-01) Visually Impaired Services (23.5)	$ 695.2	$ 1,123.9		
(24.2)NSF					
	TOTAL — Internal Program Unit	$ 695.2	$ 1,123.9		
	(35-10-00) Child Support Enforcement				
(107.4)NSF	Personnel Costs (48.4)			$	$ 1,306.9
	Travel				2.9
	Contractual Services			52.5	227.1
	Energy				13.6
	Supplies and Materials				12.7
	Capital/Equipment				2.1
	TOTAL — Child Support Enforcement			$ 52.5	$ 1,565.3
(107.4)NSF	(-01) Child Support Enforcement (48.4)	$ 52.5	$ 1,565.3		
	TOTAL — Internal Program Unit	$ 52.5	$ 1,565.3		
	(35-11-00) Mental Retardation				
(3.1)NSF	Personnel Costs (852.8)				$ 22,461.9
	Travel				10.6
	Contractual Services				1,827.2
	Energy				548.6
	Supplies and Materials				1,015.6
	Capital/Equipment				212.1
	Other Items:				
	Music Stipends				9.6
	Purchase of Care				6,958.5
	Purchase of Community Services				3,973.2
	Sub-Total				$ 37,017.3
	Debt Service				$ 296.8
	TOTAL — Mental Retardation				$ 37,314.1
(3.1)NSF	(-10) Administration - Mental Retardation (24.0)		$ 969.3		
	(-20) Institutional Services (696.0)		20,757.4		
	(-30) Community Services (132.8)		15,587.4		
	TOTAL — Internal Program Units		$ 37,314.1		
	(35-12-00) State Service Centers				
(.5)ASF	Personnel Costs (64.2)			$ 14.7	$ 2,023.2
(39.4)NSF	Travel				13.5

	Contractual Services		978.5	1,419.0
	Energy		79.0	377.7
	Supplies and Materials		76.5	67.6
	Capital/Equipment			8.0
	Kent County RSVP			29.4
	Community Food Program			85.5
	Emergency Assistance			520.0
	Sub-Total		$ 1,148.7	$ 4,543.9
	Debt Service			$ 87.3
	TOTAL -- State Service Centers		$ 1,148.7	$ 4,631.2
(26.8)NSF	(-10) Family Support Services (32.3)	$	$ 948.8	
	(-20) Service Center Management (13.5)	1,133.8	1,839.9	
(9.0)NSF	(-30) Community Services (2.0)		719.6	
(.5)ASF	(-40) Volunteer Services (16.4)	14.9	1,122.9	
(3.6)NSF				
	TOTAL -- Internal Program Units	$ 1,148.7	$ 4,631.2	
	(35-14-00) Aging			
(26.8)NSF	Personnel Costs (26.3)			$ 888.0
	Travel			2.2
	Contractual Services			945.9
	Energy			7.5
	Supplies and Materials			3.7
	Capital/Equipment			2.0
	Nutrition Program			272.8
	Sub-Total			$ 2,122.1
	Debt Service			$ 3.1
	TOTAL -- Aging			$ 2,125.2
(26.8)NSF	(-01) Aging Services (26.3)		$ 2,125.2	
	TOTAL -- Internal Program Unit		$ 2,125.2	
	TOTAL -- DEPARTMENT OF HEALTH AND SOCIAL SERVICES		$ 4,473.7	$281,472.4

TOTAL POSITIONS

GF - 3,627.2
ASF - 44.0
NSF - 699.6

(37-00-00) DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES

(37-01-00) Administration

(5.6)NSF	Personnel Costs (91.6)	$ 4,227.7
	Travel	6.6
	Contractual Services	348.9
	Supplies and Materials	62.6

	Capital/Equipment		10.3
	Sub-Total		$ 4,656.1
	Debt Service		$ 435.8
	TOTAL -- Administration		$ 5,091.9
	(-10) Office of the Secretary (5.0)	$ 546.1	
(.5)NSF	(-15) Office of the Director (6.0)	542.1	
(2.8)NSF	(-20) Fiscal Operations and Management (20.2)	638.6	
	(-30) Personnel Services (10.0)	363.0	
	(-35) Center for Professional Development (4.0)	253.3	
(2.3)NSF	(-40) Education (46.4)	2,748.8	
	TOTAL -- Internal Program Units	$ 5,091.9	
	(37-02-00) Child Protective Services		
(86.0)NSF	Personnel Costs (142.0)		$ 4,814.4
	Travel		2.3
	Contractual Services		6,077.9
	Energy		24.7
	Supplies and Materials		32.5
	Capital/Equipment		6.8
	Emergency Material Assistance		30.0
	TOTAL -- Child Protective Services		$ 10,988.6
(3.0)NSF	(-10) Office of the Director (16.0)	$ 780.4	
(11.0)NSF	(-20) Report and Initial Assessment (41.0)	2,264.9	
(30.2)NSF	(-30) Protective Treatment (58.4)	2,048.6	
(36.1)NSF	(-40) Intensive Protective Services (16.7)	4,955.5	
(5.7)NSF	(-50) Adoption Services (9.9)	939.2	
	TOTAL -- Internal Program Units	$ 10,988.6	
	(37-03-00) Child Mental Health Services		
(2.0)NSF	Personnel Costs (160.0)		$ 5,559.1
	Travel		10.9
	Contractual Services		8,750.3
	Energy		153.8
	Supplies and Materials		175.1
	Capital/Equipment		38.5
	Sub-Total		$ 14,687.7
	Debt Service		$ 6.7
	TOTAL -- Child Mental Health Services		$ 14,694.4
(2.0)NSF	(-10) Office of the Director (17.0)	$ 814.6	
	(-15) Consultation & Assessment Services (16.0)	619.8	
	(-20) Terry Outpatient Treatment (16.5)	702.1	
	(-30) Terry Day Hospital Treatment (23.5)	1,053.7	
	(-40) Terry Inpatient Treatment (49.0)	1,663.3	

	(-50) Outpatient Treatment (1.3)	1,180.6	
	(-55) Day Treatment (1.1)	1,211.1	
	(-60) Residential Treatment (31.2)	3,886.9	
	(-70) Hospital & Other Individualized Contract Treatment (2.4)	3,019.5	
	(-80) Alcohol and Drug Treatment Services (2.0)	542.8	
	TOTAL -- Internal Program Units	$ 14,694.4	
	(37-05-00) Youth Rehabilitation Services		
(1.0)NSF	Personnel Costs (198.5)		$ 7,041.0
	Travel		14.6
	Contractual Services		6,211.6
	Energy		210.0
	Supplies and Materials		351.1
	Capital/Equipment		43.9
	Sub-Total		$ 13,872.2
	Debt Service		$ 244.5
	TOTAL -- Youth Rehabilitation Services		$ 14,116.7
	(-10) Office of the Director (8.0)	$ 460.1	
	(-30) Community Based Services (29.0)	1,187.6	
(1.0)NSF	(-40) Alternatives to Incarceration (14.5)	5,821.2	
	(-50) Secure Care (147.0)	6,647.8	
	TOTAL -- Internal Program Units	$ 14,116.7	
	(37-08-00) Program Support		
(21.6)NSF	Personnel Costs (36.0)		$ 1,288.5
	Travel		7.6
	Contractual Services		410.2
	Supplies and Materials		19.2
	Capital/Equipment		14.3
	TOTAL -- Program Support		$ 1,739.8
(5.6)NSF	(-20) Office of Planning, Monitoring and Information Systems (8.0)	$ 444.0	
(4.5)NSF	(-30) Office of Case Management (9.5)	368.7	
(5.0)NSF	(-40) Office of Prevention (9.0)	558.8	
(6.5)NSF	(-50) Office of Child Care Licensing (9.5)	368.3	
	TOTAL -- Internal Program Units	$ 1,739.8	
	TOTAL -- DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES		$ 46,631.4

TOTAL POSITIONS

GF - 628.1
NSF - 116.2

(38-00-00) DEPARTMENT OF CORRECTION

(38-01-00) Administration

(8.0)ASF	Personnel Costs (244.0)		$ 249.1	$ 9,428.8
(1.0)NSF	Travel		2.5	19.0
	Contractual Services		988.5	712.5
	Energy		10.0	39.1
	Supplies and Materials		318.0	5,397.0
	Capital/Equipment		7.3	61.2
	Medical Services			7,378.3
	AIDS Education and Counseling			120.0
	Contingency - Shakedowns			40.0
	Maintenance/Restoration			389.1
	Sub-Total		$ 1,575.4	$ 23,585.0
	Debt Service			$ 93.1
	TOTAL -- Administration		$ 1,575.4	$ 23,678.1

	(-01) Office of the Commissioner (16.0)	$	$ 801.0	
	(-02) Personnel/Staff Training (41.0)		1,687.9	
	(-10) Office of the Bureau Chief (37.0)		1,677.2	
	(-20) Food Services (41.0)		5,876.0	
	(-30) Medical Services		7,498.3	
	(-40) Facilities Maintenance (37.0)		2,713.6	
	(-50) Transportation (31.0)		1,337.2	
(8.0)ASF	(-60) Prison Industries (20.0)	1,574.4	859.2	
(1.0)NSF	(-70) Education (21.0)	1.0	1,227.7	
	TOTAL -- Internal Program Units	$ 1,575.4	$ 23,678.1	

(38-04-00) Prisons

	Personnel Costs (932.0)	$	$ 32,452.7
	Travel		10.5
	Contractual Services	6.0	1,772.6
	Energy		1,383.4
	Supplies and Materials		1,278.4
	Capital/Equipment		34.4
	Sub-Total	$ 6.0	$ 36,932.0
	Debt Service		$ 3,713.2
	TOTAL -- Prisons	$ 6.0	$ 40,645.2

	(-01) Office of the Bureau Chief (28.0)	$	$ 1,567.3	
	(-02) Pre-Trial Annex (25.0)	1.0	983.9	
	(-03) Delaware Correctional Center (415.0)	1.0	17,259.9	
	(-04) Sussex Correctional Institution (164.0)	1.0	6,994.7	
	(-05) Women's Correctional Institution (63.0)	1.0	2,444.8	
	(-06) Multi-Purpose Criminal Justice Facility (210.0)	1.0	10,309.2	
	(-07) Morris Correctional Institution (27.0)	1.0	1,085.4	
	TOTAL -- Internal Program Units	$ 6.0	$ 40,645.2	

	(38-06-00) Community Custody and Supervision				
	Personnel Costs (262.0)			$	$ 8,720.4
	Travel				13.7
	Contractual Services			26.0	1,451.8
	Energy				61.3
	Supplies and Materials			25.0	143.9
	Capital/Equipment				20.0
	Sub-Total			$ 51.0	$ 10,411.1
	Debt Service				$ 22.2
	TOTAL — Community Custody and Supervision			$ 51.0	$ 10,433.3
	(-01) Office of the Bureau Chief (71.0)	$	$ 3,361.8		
	(-02) Probation and Parole (69.0)		2,575.0		
	(-03) Intensive Supervision (52.0)		1,664.1		
	(-04) House Arrest (9.0)		347.1		
	(-05) Administrative Supervision (4.0)		112.5		
	(-06) Plummer Halfway House (30.0)	1.0	1,330.3		
	(-07) Sussex Halfway House (27.0)	50.0	1,042.5		
	TOTAL — Internal Program Units	$ 51.0	$ 10,433.3		
	TOTAL — DEPARTMENT OF CORRECTION			$ 1,632.4	$ 74,756.6
	TOTAL POSITIONS				
	GF - 1,438.0				
	ASF - 8.0				
	NSF - 1.0				
	(40-00-00) DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL				
	(40-01-00) Department Management				
(14.0)ASF	Personnel Costs (27.5)			$ 565.0	$ 1,105.8
(8.5)NSF	Travel			6.4	4.9
	Contractual Services			50.5	151.9
	Energy				204.0
	Supplies and Materials			121.8	17.7
	Capital/Equipment			8.3	17.5
	Non-Game Habitat			20.0	
	Coastal Zone Management			150.0	
	Community Projects			100.0	
	Conservationist Magazine				65.0
	Sub-Total			$ 1,022.0	$ 1,566.8
	Debt Service				$ 2,131.1
	TOTAL — Department Management			$ 1,022.0	$ 3,697.9
(14.0)ASF (8.5)NSF	(-01) Department Management (27.5)	$ 1,022.0	$ 3,697.9		

	TOTAL -- Internal Program Unit	$ 1,022.0	$ 3,697.9		
	(40-05-00) Fish and Wildlife				
(47.8)ASF	Personnel Costs (65.0)			$ 1,720.5	$ 2,171.3
(2.0)NSF	Travel			45.3	12.4
	Contractual Services			1,311.9	744.4
	Energy			17.3	28.3
	Supplies and Materials			525.0	261.8
	Capital/Equipment			2,039.2	116.2
	Spraying and Insecticides				342.1
	Non-Game Habitat			15.0	25.0
	Other Items			4.3	
	Sub-Total			$ 5,678.5	$ 3,701.5
	Debt Service				$ 526.0
	TOTAL -- Fish and Wildlife			$ 5,678.5	$ 4,227.5
	(-01) Management and Support -				
(2.5)ASF	Fish & Wildlife (2.0)	$ 171.5	$ 557.7		
(42.3)ASF	(-02) Wildlife/Fisheries (16.0)	5,012.8	903.1		
	(-04) Mosquito Control (18.0)	10.9	1,127.8		
	(-05) Dog Control	105.9	440.0		
(3.0)ASF	(-06) Fish & Wildlife Enforcement (29.0)				
(2.0)NSF		377.4	1,198.9		
	TOTAL -- Internal Program Units	$ 5,678.5	$ 4,227.5		
	(40-06-00) Parks and Recreation				
(51.5)ASF	Personnel Costs (70.5)			$ 3,063.9	$ 2,265.9
(1.0)NSF	Travel			13.2	
	Contractual Services			767.3	145.6
	Energy			16.9	187.0
	Supplies and Materials			1,167.7	41.3
	Capital/Equipment			1,082.3	
	Non-Game Habitat			50.0	
	Grants			37.4	
	Other Items			22.0	
	Sub-Total			$ 6,220.7	$ 2,639.8
	Debt Service				$ 1,566.6
	TOTAL -- Parks and Recreation			$ 6,220.7	$ 4,206.4
	(-01) Management & Support -				
(3.0)ASF	Parks and Recreation (6.0)	$ 146.5	$ 244.9		
(38.5)ASF	(-02) Operations & Maintenance (46.5)	4,423.6	1,670.0		
(6.0)ASF	(-03) Special Programs (4.0)	450.8	198.0		
(1.0)NSF					
(4.0)ASF	(-04) Parks Technical Services (14.0)	1,199.8	2,093.5		
	TOTAL -- Internal Program Units	$ 6,220.7	$ 4,206.4		
	(40-07-00) Soil and Water Conservation				
(1.0)ASF	Personnel Costs (45.0)			$ 16.0	$ 1,593.8

(1.0)NSF	Travel			1.1	8.8
	Contractual Services			719.2	549.2
	Energy				4.7
	Supplies and Materials			5.5	227.5
	Capital/Equipment			11.0	28.6
	New Castle County Dredge				150.0
	Beach Erosion Control Program			750.0	
	Tax Ditches*				180.0
	Sub-Total			$ 1,502.8	$ 2,742.6
	Debt Service				$ 1,125.7
	TOTAL -- Soil and Water Conservation			$ 1,502.8	$ 3,868.3
	(-01) Management & Support -				
(1.0)NSF	Soil & Water (6.0)	$	$ 589.2		
	(-02) Drainage (8.0)		1,050.7		
	(-03) Beach Preservation (12.0)	1,252.4	903.6		
(1.0)ASF	(-04) District Operations (5.0)	200.3	496.9		
	(-05) Dredge Operations (14.0)	50.1	827.9		
	TOTAL -- Internal Program Units	$ 1,502.8	$ 3,868.3		

*Pursuant to Section 3921, Title 7, Delaware Code

(40-08-00) Water Resources

(61.0)ASF	Personnel Costs (60.0)			$ 2,247.6	$ 2,481.3
(33.0)NSF	Travel			29.2	16.0
	Contractual Services			884.7	957.6
	Energy				12.0
	Supplies and Materials			191.1	134.5
	Capital/Equipment			295.6	5.0
	Estuaries Research				46.3
	Water Resource Agency				50.0
	Sub-Total			$ 3,648.2	$ 3,702.7
	Debt Service				$ 2,419.4
	TOTAL -- Water Resources			$ 3,648.2	$ 6,122.1
	(-01) Management & Support -				
(1.0)ASF	Water Resources (3.0)	$ 245.7	$ 441.6		
	(-02) Water Resources Technical				
(21.0)ASF	Services (17.0)	1,404.8	907.6		
(3.0)NSF					
(7.0)ASF	(-03) Planning & Support (3.0)	243.5	206.6		
(7.0)NSF					
(15.0)ASF	(-04) Surface Water Management (16.0)	1,201.4	3,580.3		
(19.0)NSF					
(17.0)ASF	(-05) Ground Water Management (21.0)	552.8	986.0		
(4.0)NSF					
	TOTAL -- Internal Program Units	$ 3,648.2	$ 6,122.1		

(40-09-00) Air and Waste Management

(41.0)ASF	Personnel Costs (41.0)			$ 1,715.8	$ 1,779.6

(65.0)NSF	Travel			16.6	8.1
	Contractual Services			202.3	225.2
	Energy				39.1
	Supplies and Materials			34.6	57.9
	Capital/Equipment			52.5	111.6
	Superfund			5,020.0	
	Sub-Total			$ 7,041.8	$ 2,221.5
	Debt Service				$ 220.0
	TOTAL - Air and Waste Management			$ 7,041.8	$ 2,441.5
(8.0)ASF (3.0)NSF	(-01) Management & Support - Air & Waste (6.0)	$ 374.8	$ 447.9		
(7.0)ASF (13.0)NSF	(-02) Air Resources (13.0)	447.1	625.5		
(26.0)ASF (49.0)NSF	(-03) Waste Management (22.0)	6,219.9	1,368.1		
	TOTAL -- Internal Program Units	$ 7,041.8	$ 2,441.5		
	TOTAL -- DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL			$ 25,114.0	$ 24,563.7

TOTAL POSITIONS

GF - 309.0
ASF - 216.3
NSF - 110.5

(45-00-00) DEPARTMENT OF PUBLIC SAFETY

(45-01-00) Office of the Secretary

(20.5)NSF	Personnel Costs (40.5)			$	$ 1,422.3
	Travel				4.3
	Contractual Services			100.0	108.9
	Energy				20.0
	Supplies and Materials			89.0	32.7
	Capital/Equipment				3.0
	Police Training Council				20.0
	Other Items			.7	
	Sub-Total			$ 189.7	$ 1,611.2
	Debt Service				$ 351.8
	TOTAL -- Office of the Secretary			$ 189.7	$ 1,963.0
	(-01) Administration (14.0)	$ 100.0	$ 824.5		
	(-10) Boiler Safety (6.0)		188.6		
	(-20) Communication (14.0)	89.7	686.1		
(20.5)NSF	(-30) EPO (6.5)		263.8		
	TOTAL -- Internal Program Units	$ 189.7	$ 1,963.0		

(45-06-00) State Police

(5.0)ASF	Personnel Costs (664.0)			$ 677.0	$ 28,762.7
(19.5)NSF	Travel			25.0	33.7
	Contractual Services			87.8	2,053.6
	Energy				191.9
	Supplies and Materials			229.9	1,423.4
	Capital/Equipment			66.0	916.2
	Pension - 20 Year Retirees				10,501.0
	Crime Reduction Fund				75.0
	Career Development				35.0
	Sub-Total			$ 1,085.7	$ 43,992.5
	Debt Service				$ 347.3
	TOTAL -- State Police			$ 1,085.7	$ 44,339.8
	(-01) Executive (37.0)	$	$ 13,015.0		
	(-02) Building Maintenance & Construction (6.0)		329.9		
	(-03) Patrol (346.0)		17,176.0		
(4.0)NSF	(-04) Criminal Investigation (76.0)		3,658.2		
(8.0)NSF	(-05) Special Investigation (20.0)		1,013.5		
	(-06) Aviation (18.0)		1,727.2		
(4.0)ASF	(-07) Traffic (22.0)	963.3	962.4		
	(-08) State Bureau of Identification (29.0)	90.0	1,027.6		
	(-09) Training (6.0)		308.7		
(1.0)ASF	(-10) Communications (77.0)	32.4	2,885.2		
	(-11) Transportation (15.0)		1,692.1		
(5.0)NSF	(-12) Community Relations (9.0)		428.2		
(2.5)NSF	(-13) Highway Safety (3.0)		115.8		
	TOTAL - Internal Program Units	$ 1,085.7	$ 44,339.8		
	(45-07-00) Licenses, Taxes & Registrations				
	Personnel Costs (212.7)			$	$ 5,508.1
(2.3)NSF	Travel			9.0	18.6
	Contractual Services			185.0	618.2
	Energy				55.5
	Supplies and Materials			10.0	509.5
	Capital/Equipment				19.1
	Sub-Total			$ 204.0	$ 6,729.0
	Debt Service				$ 39.2
	TOTAL -- Licenses, Taxes & Registrations			$ 204.0	$ 6,768.2
	(-01) Administration - Licenses, Taxes & Registrations (28.0)	$ 204.0	$ 1,268.8		
(2.0)NSF	(-10) Driver Services (62.0)		1,811.8		
	(-20) Vehicle Services (109.0)		3,013.4		
(.3)NSF	(-30) Motor Fuel Tax (13.7)		674.2		
	TOTAL -- Internal Program Units	$ 204.0	$ 6,768.2		
	TOTAL -- DEPARTMENT OF PUBLIC SAFETY			$ 1,479.4	$ 53,071.0

TOTAL POSITIONS

GF - 917.2
ASF - 5.0
NSF - 42.3

(55-00-00) DEPARTMENT OF TRANSPORTATION

(55-01-01) Office of the Secretary

(1.0)TFC	Salaries (12.0)	$ 63.9	$ 540.7
	Operations/Capital	76.3	
	TOTAL -- Office of the Secretary	$ 140.2	$ 540.7

(55-02-01) Office of Administration

	Salaries (67.0)	$	$ 2,536.7
	Operations/Capital	918.3	
	Termination Pay	759.4	
	TOTAL -- Office of Administration	$ 1,677.7	$ 2,536.7

(55-03-01) Office of Planning

(1.0)TFC	Salaries (35.0)	$	$ 1,650.0
	Operations/Capital	298.7	
	TOTAL -- Office of Planning	$ 298.7	$ 1,650.0

(55-04-00) Division of Highway Operations

(55-04-01) Office of the Director

(1.0)TFC	Salaries (12.0)	$	$ 534.5
	Operations/Capital	61.1	
	TOTAL -- Office of the Director	$ 61.1	$ 534.5

(55-04-20) Highway Operations Support

(2.0)NSF	Salaries (5.0)	$	$ 237.7
	Operations/Capital	23.5	
	TOTAL -- Highway Operations Support	$ 23.5	$ 237.7

(55-04-40) Bureau of Construction

(75.0)TFO	Salaries	$ 2,961.6	
(79.0)TFC	Operations/Capital	10.0	
	TOTAL -- Bureau of Construction	$ 2,971.6	

(55-04-50) Bureau of Traffic

(6.0)TFC	Salaries (100.0)	$	$ 3,338.2
	Travel	2.0	
	Energy	566.9	
	Capital Outlay	28.4	
	Contractual/Supplies	2,220.7	

	TOTAL — Bureau of Traffic	$ 2,818.0	$ 3,338.2
	(55-04-60) Field Services		
(30.0)TFO	Salaries	$ 1,319.4	
(54.0)TFC	Operations/Capital	101.1	
	TOTAL — Field Services	$ 1,420.5	
	(55-04-70) Bureau of Maintenance		
(525.0)TFO	Salaries	$ 14,233.4	
(1.0)TFC	Travel	7.5	
	Energy	751.4	
	Capital Outlay	2,987.2	
	Contractual/Supplies	6,626.9	
	TOTAL — Bureau of Maintenance	$ 24,606.4	
	(55-04-80) Bureau of Freeways Construction		
(5.0)TFC	Salaries (1.0)	$	$ 65.6
	Operations/Capital	10.0	
	TOTAL — Bureau of Freeways Construction	$ 10.0	$ 65.6
	TOTAL — Division of Highway Operations	$ 31,911.1	$ 4,176.0
	(55-06-01) Delaware Transportation Authority		
(16.0)TFO	Delaware Transportation Authority Operations	$ 2,270.2	
	Delaware Transportation Authority Capital	241.1	
	Commuter Services	180.0	
	DART Operations "Public"	6,588.0	
	DAST Operations "E & H"	2,807.2	
	Taxi Services Support "E & H"	190.0	
	Newark Transportation	66.7	
	Kent and Sussex Transportation "E & H"	750.0	
	Rail Operations	1,350.0	
	Aviation	25.0	
	Contingencies	15.0	
	Dover Transportation "E & H"	110.0	
	Sub-Total	$ 14,593.2	
	Debt Service		
	Motor Fuel Tax Bonds	$ 2,442.0	
	General Obligations	21,000.0	
	Transportation Trust Fund	46,984.9	
	TOTAL — Delaware Transportation Authority	$ 85,020.1*	

*Delaware Transportation Authority, Chapter 13, Title 2, Delaware Code. These funds, except the Regulatory Revolving Funds, are not deposited with the State Treasurer.

(55-07-10) Office of Pre-Construction

(60.0)TFO	Salaries	$ 3,105.3	
(83.0)TFC	Operations/Capital	382.4	
(4.0)NSF			
	TOTAL -- Office of Pre-Construction	$ 3,487.7	

(55-08-01) Division of Turnpike Administration

(133.0)TFO	Turnpike Operations	$ 5,027.0	
	Turnpike Operating Reserve	32.7*	
	Turnpike Improvements	800.0	
	Interstate Operations	2,360.0	
	Interstate Improvements	250.0	
	TOTAL -- Division of Turnpike Administration	$ 8,469.7	

*The Cumulative Turnpike Operating Reserve Fund is established at $ 837.8

	TOTAL -- DEPARTMENT OF TRANSPORTATION	$131,005.2	$ 8,903.4

TOTAL POSITIONS

GF - 232.0
TFO - 839.0
TFC - 231.0
NSF - 6.0

(60-00-00) DEPARTMENT OF LABOR

(60-01-00) Administration

(12.6)ASF	Personnel Costs (5.4)	$ 595.2	$ 200.7
(18.0)NSF	Travel	12.6	6.1
	Contractual Services	72.8	22.5
	Supplies and Materials	11.4	3.9
	Capital/Equipment	4.3	
	TOTAL -- Administration	$ 696.3	$ 233.2

(12.6)ASF	(-10) Office of the Secretary (1.4)	$ 696.3	$ 67.4
(18.0)NSF	(-20) Office of Occupational and Labor Market Information (1.0)		43.3
	(-30) Commission for Women (3.0)		122.5
	TOTAL -- Internal Program Units	$ 696.3	$ 233.2

(60-06-00) Unemployment Insurance

(5.0)ASF	Personnel Costs	$ 155.8	$
(143.0)NSF	Travel	2.1	
	Contractual Services	74.8	164.0
	Supplies and Materials	12.2	
	Capital/Equipment	2.5	
	TOTAL -- Unemployment Insurance	$ 247.4	$ 164.0

(5.0)ASF (-01) Unemployment Insurance (143.0)NSF	$ 247.4	$ 164.0			
TOTAL -- Internal Program Unit	$ 247.4	$ 164.0			
(60-07-00) Industrial Affairs					
(5.5)NSF Personnel Costs (42.5)			$		$ 1,347.2
Travel				8.0	13.0
Contractual Services				140.3	103.1
Supplies and Materials				3.7	14.1
Capital/Equipment					5.0
Second Injury				4,859.7	
TOTAL -- Industrial Affairs			$	5,011.7	$ 1,482.4
(1.5)NSF (-01) Workers Compensation, Safety and Health (29.5)	$ 5,011.7	$ 916.1			
(4.0)NSF (-02) Enforcement (13.0)		566.3			
TOTAL -- Internal Program Units	$ 5,011.7	$ 1,482.4			
(60-08-00) Vocational Rehabilitation					
(6.0)ASF Personnel Costs			$	216.8	$
(113.0)NSF Contractual Services					1,275.0
Supplies and Materials					34.9
Sheltered Workshop					320.4
Governor's Committee					8.0
TOTAL -- Vocational Rehabilitation			$	216.8	$ 1,638.3
(6.0)ASF (-10) Vocational Rehabilitation Services	$ 216.8	$ 1,638.3			
(84.0)NSF					
(29.0)NSF (-20) Disability Determination Services					
TOTAL -- Internal Program Units	$ 216.8	$ 1,638.3			
(60-09-00) Employment and Training					
(3.0)ASF Personnel Costs (15.1)			$	134.1	$ 468.9
(86.9)NSF Travel				.9	7.4
Contractual Services				42.3	113.0
Supplies and Materials				2.0	6.9
Capital/Equipment					3.0
Women's Vocational Services					40.0
Dislocated Workers' Program					21.0
Summer Youth Program					135.2
Blue Collar Projects				1,194.8	
TOTAL -- Employment and Training			$	1,374.1	$ 795.4
(57.9)NSF (-10) Placement Services (4.0)	$	$ 170.0			
(3.0)ASF (-20) Training Services (11.1)	1,374.1	625.4			
(29.0)NSF					
TOTAL -- Internal Program Units	$ 1,374.1	$ 795.4			
TOTAL -- DEPARTMENT OF LABOR			$	7,546.3	$ 4,313.3

TOTAL POSITIONS

GF - 63.0
ASF - 26.6
NSF - 366.4

(65-00-00) DEPARTMENT OF AGRICULTURE

(65-01-00) Resource Management

(2.0)ASF	Personnel Costs (29.5)			$ 46.3	$ 1,059.8
(1.5)NSF	Travel			4.9	5.9
	Contractual Services			67.7	62.5
	Energy				44.6
	Supplies and Materials			48.4	19.6
	Capital/Equipment			24.7	
	Sub-Total			$ 192.0	$ 1,192.4
	Debt Service				$ 65.4
	TOTAL -- Resource Management			$ 192.0	$ 1,257.8
(1.0)ASF	(-01) Administration (12.0)	$ 84.2	$ 625.6		
	(-02) Agricultural Lands Preservation (3.0)		143.9		
(1.0)ASF	(-03) Forestry (14.5)	107.8	488.3		
(1.5)NSF					
	TOTAL -- Internal Program Units	$ 192.0	$ 1,257.8		

(65-03-00) Consumer Protection

(.5)ASF	Personnel Costs (29.5)			$ 22.7	$ 965.1
(3.0)NSF	Travel				10.0
	Contractual Services			.1	44.0
	Energy				12.1
	Supplies and Materials				41.7
	Capital/Equipment				13.5
	Sub-Total			$ 22.8	$ 1,086.4
	Debt Service				$ 7.8
	TOTAL -- Consumer Protection			$ 22.8	$ 1,094.2
	(-02) Agriculture Compliance Lab (6.0)	$ 10.4	$ 245.3		
	(-03) Weights & Measures (6.0)		183.0		
	(-05) Meat Inspection (13.0)		512.9		
(.5)ASF	(-07) Pesticides Compliance (4.5)	12.4	153.0		
(3.0)NSF					
	TOTAL -- Internal Program Units	$ 22.8	$ 1,094.2		

(65-04-00) Promotion and Production Support

(15.0)ASF	Personnel Costs (23.0)			$ 541.4	$ 826.8
	Travel			5.2	19.0

	Contractual Services			4.1	322.7
	Energy				20.2
	Supplies and Materials			5.3	55.3
	Capital/Equipment				40.4
	First State Trotting & Pacing Series				125.0
	Agriculture Development Program				22.7
	Laurel Auction				9.5
	International Trade				1.5
	International Trade Travel				3.0
	Alternative Agriculture Projects				50.0
	Research Plots				15.0
	Agriculture Advertising				39.0
	Cooperative Advertising				18.0
	TOTAL — Promotion and Production Support			$ 556.0	$ 1,568.1
	(-03) Harness Racing Commission (1.0)	$	$ 173.3		
(11.0)ASF	(-04) Agriculture Products Grading (2.0)	336.7	81.9		
	(-05) Marketing & Product Development (5.0)		480.1		
	(-06) Plant Industry (7.0)		447.3		
	(-07) Poultry & Animal Health (5.0)		252.5		
(4.0)ASF	(-08) Seed Lab (3.0)	219.3	133.0		
	TOTAL — Internal Program Units	$ 556.0	$ 1,568.1		
	TOTAL — DEPARTMENT OF AGRICULTURE			$ 770.8	$ 3,920.1

TOTAL POSITIONS

GF - 82.0
ASF - 17.5
NSF - 4.5

(70-00-00) DEPARTMENT OF ELECTIONS

(70-01-01) Commissioner of Elections

	Salaries (7.0)	$ 158.0
	Other Employment Costs	45.8
	Travel	1.5
	Contractual Services	58.7
	Supplies and Materials	19.9
	Capital Outlay	.5
	TOTAL — Commissioner of Elections	$ 284.4

(70-02-01) New Castle County Department of Elections

	Salaries (12.0)	$ 300.2
	Other Employment Costs	75.9
	Travel	9.4
	Contractual Services	178.1
	Energy	7.7
	Supplies and Materials	7.7
	Other Items	5.0
	TOTAL — New Castle County Department of Elections	$ 584.0

(70-03-01) Kent County Department of Elections

	Salaries (5.0)		$ 151.3
	Other Employment Costs		47.0
	Travel		.5
	Contractual Services		65.5
	Energy		10.6
	Supplies and Materials		4.6
	Other Items		3.0
	TOTAL -- Kent County Department of Elections		$ 282.5
	(70-04-01) Sussex County Department of Elections		
	Salaries (4.0)		$ 139.5
	Other Employment Costs		31.1
	Travel		.5
	Contractual Services		31.8
	Supplies and Materials		4.4
	Other Items		4.3
	TOTAL -- Sussex County Department of Elections		$ 211.6
	TOTAL -- DEPARTMENT OF ELECTIONS		$ 1,362.5
	TOTAL POSITIONS		
	GF - 28.0		
	(75-00-00) FIRE PREVENTION COMMISSION		
	(75-01-01) Office of the State Fire Marshal		
(20.3)ASF	Salaries (19.7)	$ 509.8	$ 549.0
	Other Employment Costs	192.2	190.9
	Travel	11.7	5.2
	Contractual Services	66.3	45.7
	Energy	8.5	13.6
	Supplies and Materials	30.5	33.4
	Capital Outlay	24.0	
	Revenue Refund	1.0	
	Juvenile Firesetter Intervention Program		5.0
	Sub-Total	$ 844.0	$ 842.8
	Debt Service		$ 1.3
	TOTAL -- Office of the State Fire Marshal	$ 844.0	$ 844.1
	(75-02-01) State Fire School		
(5.3)NSF	Salaries (12.7)	$	$ 351.4
	Other Employment Costs		127.8
	Travel		.4
	Contractual Services	20.0	101.8
	Energy		99.1
	Supplies and Materials		16.3
	Capital Outlay	10.0	

	Sub-Total	$ 30.0	$ 696.8
	Debt Service		$ 263.6
	TOTAL -- State Fire School	$ 30.0	$ 960.4
	(75-03-01) State Fire Prevention Commission		
	Salaries (1.0)		$ 18.8
	Other Employment Costs		9.4
	Travel		18.0
	Contractual Services		20.5
	Supplies and Materials		1.2
	Statewide Fire Safety Education		50.0
	Contingency - Extraordinary Expenses		20.0
	Sub-Total		$ 137.9
	Debt Service		$ 142.0
	TOTAL -- State Fire Prevention Commission		$ 279.9
	TOTAL -- FIRE PREVENTION COMMISSION	$ 874.0	$ 2,084.4

TOTAL POSITIONS

GF - 33.4
ASF - 20.3
NSF - 5.3

(76-00-00) DELAWARE NATIONAL GUARD

(76-01-01) Delaware National Guard

(68.35)NSF	Salaries (30.65)	$ 863.3
	Other Employment Costs	276.6
	Travel	1.3
	Contractual Services	253.3
	Energy	341.4
	Supplies and Materials	80.9
	Educational Assistance	27.0
	Sick-Leave Entitlements	13.5
	Unit Fund Allowance	7.0
	Widows Compensation Fund	7.9
	Sub-Total	$ 1,872.2
	Debt Service	$ 183.9
	TOTAL -- DELAWARE NATIONAL GUARD	$ 2,056.1

TOTAL POSITIONS

GF - 30.65
NSF - 68.35

(77-00-00) ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS

	(77-01-01) Advisory Council For Exceptional Citizens	
	Salaries (2.0)	$ 30.3
	Other Employment Costs	6.3
	Travel	4.4
	Contractual Services	4.4
	Supplies and Materials	.6
	TOTAL — ADVISORY COUNCIL FOR EXCEPTIONAL CITIZENS	$ 46.0
	TOTAL POSITIONS	
	GF - 2.0	
	(90-00-00) HIGHER EDUCATION	
	(90-01-00) University of Delaware	
	(90-01-01) University of Delaware	
	Operations	$ 61,822.6
	Scholarships	3,643.7
	Agricultural Programs	843.7
	Other Programs	2,221.7
	The College School	64.0
	Sub-Total	$ 68,595.7
	Debt Service	$ 4,913.2
	TOTAL — University of Delaware	$ 73,508.9
	(90-01-02) Delaware Geological Survey	
	Operations	$ 866.9
	River Master Program	68.0
	TOTAL — Delaware Geological Survey	$ 934.9
	TOTAL — University of Delaware	$ 74,443.8
	(90-02-01) Delaware Institute of Medical Education and Research	
	Operations	$ 1,557.0
	TOTAL — Delaware Institute of Medical Education and Research	$ 1,557.0
	(90-03-00) Delaware State College	
	(90-03-01) Operations	
(132.5)NSF	Operations (393.3)	$ 16,206.3
	Administrative Computing	125.0
	Work Study	169.5
	Summer School for Teachers	36.0

	Faculty Development	100.0
	Mishoe Scholarships	50.0
	Cooperative Extension	15.1
	Cooperative Research	88.6
	Title VI Compliance	120.0
	Academic Incentive	50.0
	General Scholarships	154.0
	Athletic Grant	83.1
	Aid to Needy Students	120.0
	Energy	960.4
	Sub-Total	$ 18,278.0
	Debt Service	$ 2,121.1
	TOTAL -- Operations	$ 20,399.1
	(90-03-05) Sponsored Programs and Research	
(39.9) NSF	Salaries	
	TOTAL -- Sponsored Programs and Research	
	TOTAL -- Delaware State College	$ 20,399.1

TOTAL POSITIONS -- Delaware State College

GF - 393.3
NSF - 172.4

(90-04-00) Delaware Technical and Community College

(90-04-01) Office of the President

(10.0)NSF	Salaries (34.0)	$ 1,140.7
	Other Employment Costs	350.3
	Travel	6.5
	Contractual Services	196.1
	Energy	15.3
	Supplies and Materials	31.7
	Occupational Teacher Program	36.8
	Academic Incentive	50.0
	Dental Program	78.8
	Day Care Training	40.0
	Salary Plan A & D Lane Changes	84.6
	Sub-Total	$ 2,030.8
	Debt Service	$ 94.6
	TOTAL -- Office of the President	$ 2,125.4
	(90-04-02) Southern Campus	
(40.7)NSF	Salaries (152.0)	$ 5,680.6
	Other Employment Costs	1,762.9
	Contractual Services	677.2
	Energy	278.1
	Supplies and Materials	22.3

	Capital Outlay	46.4
	NDSL Match	6.6
	Aid-to-Needy Students	66.7
	Work Study	16.5
	Sub-Total	$ 8,557.3
	Debt Service	$ 800.2
	TOTAL -- Southern Campus	$ 9,357.5
	(90-04-04) Wilmington Campus	
(24.0)NSF	Salaries (113.0)	$ 4,412.2
	Other Employment Costs	1,225.9
	Contractual Services	446.7
	Energy	275.8
	Supplies and Materials	31.4
	Capital Outlay	76.1
	Aid-to-Needy Students	78.7
	Work Study	20.0
	Sub-Total	$ 6,566.8
	Debt Service	$ 1,307.0
	TOTAL -- Wilmington Campus	$ 7,873.8
	(90-04-05) Stanton Campus	
(38.0)NSF	Salaries (138.0)	$ 5,560.3
	Other Employment Costs	1,665.2
	Contractual Services	27.2
	Energy	26.4
	Supplies and Materials	50.7
	Capital Outlay	9.0
	Aid-to-Needy Students	68.6
	Work Study	21.0
	Sub-Total	$ 7,428.4
	Debt Service	$ 778.0
	TOTAL -- Stanton Campus	$ 8,206.4
	(90-04-06) Terry Campus	
(51.2)NSF	Salaries (96.0)	$ 3,457.3
	Other Employment Costs	1,039.7
	Contractual Services	268.4
	Energy	145.5
	Supplies and Materials	20.8
	Capital Outlay	30.0
	NDSL Match	1.0
	Aid-to-Needy Students	54.7
	Work Study	8.0
	Sub-Total	$ 5,025.4
	Debt Service	$ 995.4

	TOTAL -- Terry Campus		$ 6,020.8
	TOTAL -- Delaware Technical and Community College		$ 33,583.9
	TOTAL POSITIONS -- Delaware Technical and Community College		
	GF - 533.0 NSF - 163.9		
	(90-07-01) Delaware Institute of Veterinary Medical Education		
	Subvention		$ 116.0
	TOTAL -- Delaware Institute of Veterinary Medical Education		$ 116.0
	(90-08-01) Delaware Institute of Dental Education and Research		
	Subvention		$ 98.2
	TOTAL -- Delaware Institute of Dental Education and Research		$ 98.2
	TOTAL -- HIGHER EDUCATION		$130,198.0
	TOTAL POSITIONS -- HIGHER EDUCATION		
	GF - 926.3 NSF - 336.3		
	(95-00-00) PUBLIC EDUCATION		
	(95-01-00) State Board of Education and State Board for Vocational Education		
(3.9)ASF	Personnel Costs (75.2)	$ 189.7	$ 4,334.5
(52.5)NSF	Travel		24.6
	Contractual Services		137.9
	Supplies and Materials		29.6
	Capital Outlay		68.7
	Other Items:		
	Teacher in Space		60.0
	Education Compact of the States		33.8
	Private Business and Trade School		2.0
	Evaluation-Higher Education		1.0
	Teacher of the Year		46.5
	Odyssey of the Mind		15.0
	Pension - Retired and Disabled Teachers		33.3
	Desegregation Monitoring		100.0
	Operating Costs - Training Lab		20.0
	Pupil Accounting System		41.8
	Career Guidance System		16.5
	Operating Costs - Direct	183.4	294.5
	Tallman Scholarships	3.8	
	Mather Library Endowment Fund	2.5	

	Brown Trust Fund			35.0	
(1.5)ASF	Film Library			62.4	
	Department of Public Instruction Library			34.0	
	Trailer Rental Fund			27.5	
	DPI Publications			10.0	
(1.0)ASF	Delaware Secondary School Athletic Fund			80.1	
	Registration Fees			40.0	
	TOTAL — State Board of Education and State Board for Vocational Education			$ 668.4	$ 5,259.7
(.4)NSF	(-01) State Board & Superintendent (11.6)	$ 4.2	$ 1,043.6		
(4.9)ASF	(-02) Administrative Services (28.0)				
(11.1)NSF		516.9	2,041.1		
(7.5)ASF	(-04) Instructional Services (35.6)				
(41.0)NSF		147.3	2,175.0		
	TOTAL — Internal Program Units	$ 668.4	$ 5,259.7		
	(95-02-00) School District Operations				
	Division I Units (5,840)				
	Formula Salaries (9,170.0)				$ 192,952.4
	Cafeteria Funds				2,401.3
	Other Employment Costs				73,491.5
	Division II Units (6,647)				
	All Other Costs				17,089.3
	Energy				8,456.2
	Division III				
	Equalization				34,529.7
	Sub-Total				$ 328,920.4
	Other Items				
	General Contingency				$ 6,839.1
	Other Items				230.9
	Delmar Tuition				454.8
	Sub-Total				$ 7,524.8
	Debt Service				
	State Board				$ 1,429.5
	School Districts				9,183.4
	Sub-Total				$ 10,612.9
	TOTAL — School District Operations				$ 347,058.1
	(-01) Division Funding		$ 328,920.4		
	(-02) Other Items		7,524.8		
	(-03) Debt Service		10,612.9		
	TOTAL — Internal Program Units		$ 347,058.1		
	(95-03-00) Block Grants and Pass Through Programs				
	Education Block Grants				
	Adult Education and Work Force Training Block Grant				$ 3,164.9

Professional Accountability and Instructional Advancement Fund			2,225.7
Academic Excellence Block Grant			15,858.5
K-12 Pass Throughs			
Delaware Nature Society			9.9
Beach House			64.9
Read Aloud			101.9
Strive			63.0
Summer School - Gifted and Talented			139.5
Center for Economic Education			131.2
Educational Resources			162.5
Delaware Institute for Arts in Education			90.0
Advanced Studies			97.2
Parent Early Education Center			249.7
Pregnant Students			206.5
Youth Organizations			93.2
Geographic Alliance			45.0
Special Needs Programs			
Program for Children with Disabilities (39.0)			1,392.9
Private Placement of the Handicapped			1,211.7
Exceptional Student Unit - Vocational			719.6
Related Services for the Handicapped			1,184.7
Adolescent Day Program			36.0
Children Services Cost Recovery Project (1.0)			344.3
Sterck Summer Program			40.0
Tech-Prep 2 + 2			75.0
Driver Training			
Non-Public and Summer Driver Education			564.1
Operation and Maintenance - Driver Education Cars			176.4
TOTAL -- Block Grants and Pass Through Programs			$ 28,448.3
(-10) Education Block Grants	$ 21,249.1		
(-15) K-12 Pass Through	1,454.5		
(-20) Special Needs Programs (1.0)	5,004.2		
(-30) Driver Training	740.5		
TOTAL -- Internal Program Units	$ 28,448.3		
(95-04-00) Pupil Transportation			
Public School Transportation			$ 34,391.9
Non-Public School Transportation Reimbursement			2,830.7
TOTAL -- Pupil Transportation			$ 37,222.6
(-01) Transportation	$ 37,222.6		
TOTAL -- Internal Program Unit	$ 37,222.6		
TOTAL -- State Board of Education and State Board for Vocational Education		$ 668.4	$ 417,988.7

TOTAL POSITIONS -- STATE BOARD OF EDUCATION

GF - 76.2
ASF - 6.4
NSF - 52.5

TOTAL POSITIONS — PUBLIC SCHOOL DISTRICTS — 9,209.0

(95-06-00) Delaware Advisory Council on Career and Vocational Education

(1.5)NSF	Personnel Costs (3.5)		$ 102.7
	Contractual Services		6.8
	Travel		1.0
	Supplies		2.0
	TOTAL — Delaware Advisory Council on Career and Vocational Education		$ 112.5
(1.5)NSF	(-01) Advisory Council (3.5)	$ 112.5	
	TOTAL — Internal Program Unit	$ 112.5	

TOTAL POSITIONS — DELAWARE ADVISORY COUNCIL ON CAREER AND VOCATIONAL EDUCATION

GF - 3.5
NSF - 1.5

TOTAL — PUBLIC EDUCATION	$ 668.4	$ 418,101.2

TOTAL POSITIONS - PUBLIC EDUCATION

GF - 9,288.7
ASF - 6.4
NSF - 54.0

TOTALS

TOTAL — DEPARTMENTS	$ 163,251.0	$ 671,868.6
TOTAL — HIGHER EDUCATION		130,198.0
TOTAL — PUBLIC EDUCATION	668.4	418,101.2
GRAND TOTAL — DEPARTMENTS AND EDUCATION	$ 163,919.4	$1,220,167.8

TOTAL POSITIONS

GF - 19,773.95
ASF - 790.50
NSF - 1,912.75
TTF - 1,070.0

GENERAL

Section 2. Any previous Act inconsistent with the provisions of this Act is hereby repealed to the extent of such inconsistency.

Section 3. If any provision of this Act, or of any rule, regulation or order thereunder, or the application of such provision to any person or circumstances, shall be invalid, the remainder of this Act and the application of such provisions of this Act or of such rule, regulation or order to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 4. The monies appropriated in Section 1 of this Act shall be paid by the State Treasurer from the General Fund, except as otherwise referenced in Section 1.

Section 5. The provisions of this Act to the contrary notwithstanding, any section, chapter or title of the Delaware Code and any Laws of Delaware providing for the application of "Sunset" shall be operative for those agencies, commissions or boards affected during the fiscal year commencing July 1, 1991.

Section 6. Due to the pilot budget format, the restructuring of divisions into programs within divisions has created more exempt positions per division than allowed by law for the participating departments; therefore, all exempt positions authorized by Title 29, Section 5903, Delaware Code, prior to July 1, 1987, shall remain exempt for Fiscal Year 1992.

Section 7. The abbreviations set forth in this Act for Special Fund authorized positions means funding from the following:

ASF - Appropriated Special Funds
NSF - Non-appropriated Special Funds
TFO - Trust Fund Operations
TFC - Trust Fund Capital

Section 8. (a) The General Assembly of the State of Delaware supports the State-wide policy that the pay plan for Merit System employees be developed in accordance with the results of valid surveys of salaries provided by a defined labor market. The Director of State Personnel shall conduct such surveys on a yearly basis and report the findings of such surveys by December 15 to the Governor and members of the General Assembly who will be responsible for recommending and approving yearly adjustments as are necessary to maintain the competitive posture of the plan. As the Director of State Personnel has conducted the required surveys for the fiscal year ending June 30, 1992, and as the Governor and members of the General Assembly have reviewed the findings of such surveys, effective July 1, 1991, the following pay plans are established for State Merit System employees:

Annual Salary

STATE OF DELAWARE PAY PLAN*

(Standard Work Schedule of 37.5 Hours Per Work Week)

PAY GRADE	75% of Midpoint	100% of Midpoint	125% of Midpoint
1	10,368	13,824	17,280
2	11,093	14,791	18,489
3	11,871	15,828	19,785
4	12,700	16,933	21,166
5	13,591	18,121	22,651
6	14,543	19,390	24,238
7	15,559	20,745	25,931
8	16,648	22,197	27,746

9	17,814	23,752	29,690
10	19,062	25,416	31,770
11	20,394	27,192	33,990
12	21,823	29,097	36,371
13	23,351	31,134	38,918
14	24,984	33,312	41,640
15	26,734	35,645	44,556
16	28,605	38,140	47,675
17	30,608	40,810	51,013
18	32,748	43,664	54,580
19	35,042	46,722	58,403
20	37,496	49,995	62,494
21	40,120	53,493	66,866
22	42,929	57,238	71,548
23	45,934	61,245	76,556
24	49,151	65,534	81,918
25	52,590	70,120	87,650
26	56,271	75,028	93,785

* Annual Salary in $

Annual Salary

STATE OF DELAWARE PAY PLAN*

(Standard Work Schedule of 40 Hours Per Work Week)

PAY GRADE	75% of Midpoint	100% of Midpoint	125% of Midpoint
1	11,059	14,745	18,431
2	11,833	15,777	19,721
3	12,662	16,882	21,103
4	13,547	18,063	22,579
5	14,497	19,329	24,161
6	15,511	20,681	25,851
7	16,596	22,128	27,660
8	17,759	23,678	29,598
9	19,001	25,334	31,668
10	20,332	27,109	33,886
11	21,753	29,004	36,255
12	23,277	31,036	38,795
13	24,907	33,209	41,511
14	26,651	35,534	44,418
15	28,515	38,020	47,525
16	30,513	40,684	50,855
17	32,648	43,530	54,413
18	34,932	46,576	58,220
19	37,379	49,838	62,298
20	39,995	53,327	66,659
21	42,796	57,061	71,326
22	45,791	61,055	76,319
23	48,995	65,327	81,659
24	52,427	69,903	87,379
25	56,096	74,795	93,494
26	60,022	80,029	100,036

* Annual Salary in $

(i) Merit Rule 5.0200 notwithstanding, the standard work week for employees in positions within the Correctional Officer class series, Correctional Security Superintendent class and Warden class series assigned to the Department of Correction, Meat Inspectors and Meat and Poultry Inspection Coordinators in the Department of Agriculture and Emergency Services Training Administrator class assigned to the State Fire School shall be 40 hours.

(ii) During the fiscal year ending June 30, 1992, the State Personnel Director may designate, with the concurrence of the Budget Director and the Controller General, other appropriate classes or groups of employees to work and be paid according to a standard work week of 40 hours. Such designation shall be based upon the operational necessity of agencies to require employees to regularly and consistently work in excess of 37.5 hours per week and upon the availability of any required funding.

(b)(i) The defined labor market survey in Section 8(a) for Fiscal Year 1992 shall be limited to those governments and institutions of higher education as follows:

Delaware	Other Counties and Municipalities
New Castle County	Cecil County, Maryland
Kent County	Caroline County, Maryland
Sussex County	Salisbury, Maryland
Wilmington	Chester County, Pennsylvania
Newark	Delaware County, Pennsylvania
Dover	West Chester, Pennsylvania
University of Delaware	

Other States

Maryland
Pennsylvania
New Jersey
North Carolina
Massachusetts
New York
Virginia

(ii) The findings of the survey in Section 8(a) for Fiscal Year 1993 shall be calculated in the same manner as Fiscal Year 1992, using the same weighting formula and other components.

(iii) The pay policy for Fiscal Year 1993 shall address the salaries for employees at or beyond the midpoint.

(c) Recognizing the need for flexibility to respond to critical external market pressures, selective market variations are permitted to the uniform pay plan structure for job classes that are key to the performance of State functions.

(1) The appointing authority shall identify job classes or job families to be considered for selective market variations according to turnover rates, recruitment problems, vacancy rates, feasibility for the work to be performed on a contractual basis and other criteria established by the State Personnel Director.

(2) Upon receipt of the identified classes, the State Personnel Director shall survey the appropriate labor market to determine the state's position in this labor market.

(3) This survey information will be reviewed by the Budget Director, the State Personnel Director and the Controller General who shall recommend approval or disapproval for the classes for selective market compensation variations.

(4) Any such selective market variations which the State Personnel Director, the Budget Director and the Controller General have determined to be warranted and have been approved by the Joint Finance Committee, shall be designated to become effective July 1, 1991, provided that such variations have been processed as part of the regular budgetary process and the funds for such changes shall be appropriated.

(5) Upon approval, the minimum, mid-point and maximum salary values shall be raised according to the results of the labor market surveys for the job class.

(6) The salary of employees whose salary in effect as of June 30, 1991, is below the adjusted minimum salary for the assigned job classification shall be raised to the adjusted minimum salary; the salaries of employees whose current salaries fall within the adjusted salary range shall not be increased.

(d) The amount appropriated by Section 1 of this Act for salaries provides funds only for maintaining the June 30, 1991, salary rate of each State employee in all existing pay plans, except as otherwise provided in this section. Demotions and promotions and salary increases specified in non-merit system collective bargaining agreements where salaries are negotiable are not affected by this section.

(e) Any such reclassifications/regrades which the State Personnel Director determines to be warranted as a result of the classification maintenance reviews regularly scheduled by the State Personnel Office shall be designated to become effective July 1, 1992, provided that such reclassifications/regrades have been processed as part of the regular budgetary process and the funds for such reclassifications/regrades shall be appropriated.

(f) (i) The classification of any position whose salary is covered by the appropriations in Section 1 of this Act, may be changed to be effective January 1, 1992, or July 1, 1992, if the requested change is certified critical by the appointing authority; and

(1) The requested change is approved by the State Personnel Director prior to the effective date of January 1, 1992, or July 1, 1992; and

(2) The funding source is approved by the Budget Director; and

(3) The requested change is approved by the Controller General.

(ii) The budgetarily approved reorganizations/restructurings necessitated by the 1991 Early Retirement Option (ERO) for State employees have resulted in the elimination of some positions in various State agencies. In certain circumstances, an existing employee may be required by his/her appointing agency to assume all or some of the duties and responsibilities of a position that was budgetarily eliminated. Such a reassignment of duties may constitute an exceptional circumstance under Merit Rule 3.0410 and warrant a temporary promotion of the employee when the newly assigned duties and responsibilities are of a higher level paygrade than the classification of the employee's current position.

In such a circumstance, the appointing agency must submit a Critical Reclassification Request to reclassify the existing position that includes a description of the duties that have been reassigned to the position and an explanation as to why it was not possible to reassign to another position(s) that is already assigned a classification at the same or higher level paygrade than the position that was eliminated.

Upon review of this request, the State Personnel Director may determine that an exceptional circumstance exists and that, pending the decision of the Critical Reclassification Committee, the employee should be given a temporary promotion to a higher class and paygrade while continuing to serve in the same budgeted position. Under no circumstances shall this temporary promotion continue after the final determination of the Critical Reclassification Committee has been issued or after the State Personnel Director has determined that exceptional circumstances cease to exist under Merit Rule 3.0410.

(iii) Regardless of the provision of Section 8(f)(i), the State Personnel Director, the Budget Director and the Controller General shall determine the effective date of any approved reclassification that directly resulted from the reassignment of duties previously assigned to a position that was affected by the 1991 Early Retirement Option (ERO) for State employees.

(g) Other than those reclassifications/regrades approved in accordance with Section 8(e) or 8(f), no position shall be reclassified or regraded during the fiscal year ending June 30, 1992.

(h) The salaries of teachers and administrators employed by State agencies and who are paid based on the Basic Schedule contained in Title 14, Section 1305, of the Delaware Code, shall receive as salary an amount equal to the index value specified in the appropriate training and experience cell multiplied by the base salary amount of $15,546.00 and divided by .7 for ten months employment. If employed on an eleven or twelve month basis, the ten month amount shall be multiplied by 1.1 or 1.2 respectively.

(i) During the fiscal year ending June 30, 1992, paragraph 5.1100 of the Merit Rules for a Merit System of Personnel Administration shall be null and void.

(j) The review date for employees of the classified service shall be December 31 of each fiscal year.

(k) The administrative regulation and procedures necessary to implement this Section shall be promulgated by the State Personnel Director, Budget Director and Controller General.

(l) The provisions of Subsection (d) of this Section shall not apply to the Governor, Uniformed State Police, employees of the University of Delaware, Delaware State College and members and employees of the Delaware National Guard, excluding the Adjutant General.

(m) Salary schedules and staffing formulas contained in Title 14, Chapter 13, Delaware Code, shall be remain as specified.

(1) The salary schedule contained in Title 14, Subsection 1308(a), Delaware Code, will remain as follows:

Years of Exper.	Clerk	Secretary	Senior Secretary	Financial Secretary	Administrative Secretary
0	$ 8,350	$ 9,493	$10,157	$10,544	$11,187
1	8,768	9,927	10,593	10,982	11,631
2	9,185	10,361	11,029	11,421	12,076
3	9,603	10,796	11,465	11,859	12,520
4	10,020	11,230	11,901	12,298	12,964
5	10,438	11,664	12,338	12,736	13,409
6	10,855	12,098	12,774	13,174	13,853
7	11,273	12,532	13,210	13,613	14,297
8	11,690	12,967	13,646	14,051	14,741

9	12,108	13,401	14,082	14,490	15,186
10	12,525	13,835	14,518	14,928	15,630
11	12,943	14,269	14,954	15,366	16,074
12	13,360	14,703	15,390	15,805	16,519
13	13,778	15,138	15,826	16,243	16,963
14	14,195	15,572	16,262	16,682	17,407
15	14,613	16,006	16,699	17,120	17,852
16	15,030	16,440	17,135	17,558	18,296
17	15,448	16,874	17,571	17,997	18,740
18	15,865	17,309	18,007	18,435	19,184
19	16,283	17,743	18,443	18,874	19,629
20	16,700	18,177	18,879	19,312	20,073

(2) The salary schedule contained in Title 14, Subsection 1311(a), Delaware Code, will remain as follows:

Years of Exper.	Custodian	Custodian Fireman	Chief Custodian Supervising 5 or Fewer Custodians	Chief Custodian Supervising 6 or More Custodians	Maintenance Mechanic	Building & Grounds Supervisor
0	$10,683	$11,121	$11,342	$12,219	$12,626	$12,984
1	11,012	11,449	11,672	12,549	13,007	13,425
2	11,342	11,778	12,001	12,877	13,390	13,864
3	11,672	12,109	12,329	13,206	13,773	14,303
4	12,001	12,437	12,660	13,536	14,107	14,742
5	12,329	12,765	12,985	13,865	14,538	15,182
6	12,660	13,097	13,316	14,194	14,920	15,621
7	12,985	13,427	13,645	14,524	15,304	16,061
8	13,316	13,754	13,973	14,852	15,685	16,498
9	13,645	14,085	14,303	15,182	16,067	16,938
10	13,973	14,414	14,634	15,511	16,451	17,377
11	14,303	14,743	14,964	15,840	16,832	17,816

(3) The salary schedule contained in Title 14, Subsection 1322(a), Delaware Code, will remain as follows:

SCHOOL FOOD SERVICE MANAGERS

	Number of Pupils in School Served by Cafeteria						
Yrs. of Exp.	Below 351	351-500	501-800	801-1200	1201-1600	1601-2000	2000+
0	$ 9,630	$10,341	$11,051	$11,761	$12,475	$13,183	$13,896
1	9,985	10,695	11,408	12,118	12,828	13,540	14,250
2	10,341	11,051	11,761	12,475	13,183	13,896	14,607
3	10,695	11,408	12,118	12,828	13,540	14,250	14,962
4	11,051	11,761	12,475	13,183	13,896	14,607	15,319
5	11,408	12,118	12,828	13,540	14,250	14,962	15,676
6	11,761	12,475	13,183	13,896	14,607	15,319	16,030
7	12,118	12,828	13,540	14,250	14,962	15,676	16,385
8	12,475	13,183	13,896	14,607	15,319	16,030	16,742
9	12,828	13,540	14,250	14,962	15,676	16,385	17,098
10	13,183	13,896	14,607	15,319	16,030	16,742	17,451
11	13,540	14,250	14,962	15,676	16,385	17,098	17,817
12	13,896	14,607	15,319	16,030	16,742	17,451	18,192
13	14,250	14,962	15,676	16,385	17,098	17,817	18,546
14	14,607	15,319	16,030	16,742	17,451	18,192	18,904

15	14,962	15,676	16,385	17,098	17,808	18,549	19,261

(4) The salary schedule contained in Title 14, Subsection 1322(c), Delaware Code, will remain as follows:

SCHOOL LUNCH COOKS AND GENERAL WORKERS

Years of Experience	General Worker	Cook/Baker
0	$5.55	$6.16
1	5.64	6.24
2	5.75	6.34
3	5.83	6.43
4	5.92	6.52
5	6.05	6.65
6	6.15	6.74
7	6.21	6.81
8	6.28	6.87
9	6.36	6.96
10	6.46	7.07
11	6.57	7.17
12	6.68	7.27
13	6.78	7.37
14	6.86	7.46
15	6.96	7.55
16	7.08	7.68
17	7.18	7.77

(5) The salary schedule contained in Title 14, Subsection 1324(b), Delaware Code, will remain as follows:

(b) Aides actually working and paid 10 months per year shall receive annual salaries in accordance with the following schedule:

Years of Experience	Service Aides	Instructional Aides
0	$ 7,751	$ 9,479
1	8,009	9,795
2	8,268	10,111
3	8,526	10,427
4	8,785	10,743
5	9,043	11,059
6	9,301	11,375
7	9,560	11,691
8	9,818	12,007
9	10,077	12,323
10	10,335	12,639
11	10,593	12,955
12	10,852	13,271
13	11,110	13,587
14	11,369	13,903
15	11,627	14,219
16	11,885	14,535
17	12,144	14,851
18	12,402	15,167

19	12,661	15,483
20	12,919	15,799

The 12-year step on the schedule in this Subsection is effective July 1, 1989, and one additional step shall be effective in each succeeding fiscal year. Thus, the 20-year step will be effective for the fiscal year beginning July 1, 1997.

(6) The salary schedule contained in Title 14, Subsection 1326(a), Delaware Code, will remain as follows:

Class A - $55.79 per day
Class B - $45.06 per day
Class C - $34.31 per day

(n) Each school district shall continue to use salary schedules not less than those in Title 14, Section 1322, Delaware Code, for all school lunch employees.

(o) Effective July 1, 1990, the State shall pay 38% of the annual salary rate for school lunch employees as set forth in the salary schedules in Title 14, Section 1322(a) and (b), Delaware Code and 34% of the salary rate for school lunch employees as set forth in the salary schedule in Title 14, Section 1322(c), Delaware Code. The remaining percentage of the hourly salary rate for school lunch employees shall be paid from local funds. The State shall pay other employment costs for school lunch employees at the ratio of State supported salaries to total salaries, provided for by this Section, for school lunch employees.

(p) No provision in this Act shall be construed as affecting the eligibility of school lunch employees as an employee under Title 29, Section 5501, Delaware Code.

(q) Section 1 of this Act provides an amount for salaries and other employment costs for Formula Employees in Public Education. Additional amounts are included in some Block Grants and Pass Through Programs (95-03-00). Local school districts must charge payroll for local share salary supplements and other employment costs and fringe benefits on a semi-monthly basis simultaneously with state-share charges. The amount of salary and other employment costs that can be charged to State appropriations for any one-day period or for any one individual cannot exceed the amount the individual is entitled to receive based on the State salary schedules provided by this Act and Title 14, Chapter 13, Delaware Code, divided by the number of pays the individual has chosen to schedule per year. The provisions of this Section do not apply to Division III - Equalization (APPR 0186) which may be charged for local contractual obligations before local current operating funds are used.

(r) Amend Title 14, Section 9219(c), Delaware Code, by striking said Subsection in its entirety and by substituting in lieu thereof the following:

"(c) The actual Fiscal Year 1992 salary paid to any Salary Plan A employee shall be determined as follows:

(1) Placement on the index for Fiscal Year 1992 for any Salary Plan A employee shall be based on the employee's actual degree, additional credits, and years of relevant experience as certified by the College on July 1, 1991. Advancement in any of these areas after that date will become effective for salary purposes on July 1, 1992."

(s) During Fiscal Year 1992, Delaware Technical and Community College will continue a merit system comparable pay system for Plan B employees. Such system shall be subject to the following provisions:

1. For salary purposes, the 37.5 hour merit salary schedule shall become the pay plan for Plan B employees in Fiscal Year 1992.

2. (a) The class specifications for positions occupied by Delaware Technical and Community College Plan B employees shall be assigned paygrades

comparable to the Merit System pay plan using the same criteria authorized by the State Personnel Office for Merit System positions.

(b) Periodic classification maintenance reviews will be processed under the normal State Personnel maintenance review processes. Critical reclassifications will be processed under the same general system as the Merit System, subject to final approval of a Committee composed of the President of the College, Budget Director and Controller General.

3. The College is authorized to hire at up to 80% of the midpoint of an assigned paygrade upon the signature of the appropriate Vice President and Campus Director; hiring beyond 80% of midpoint up to 100% of midpoint shall require the signature of the College President; hiring beyond the 100% of midpoint shall require the signatures of the Budget Director and Controller General.

4. Selective market variation and any other special considerations relative to standard compensation exceptions will be handled in accordance with hiring/compensation procedures outlined in the Merit System.

5. Vacation and sick leave policies shall remain at the discretion of the College.

6. Part-time employees' salaries shall not exceed the hourly rate of the grade assigned to comparable full-time employees.

7. Delaware Technical and Community College will retain its practice of compensating Plan B employees for additional degrees as earned. This compensation will be in the form of a one-time bonus not added into the employee's base rate, and not paid out of State funds.

8. Delaware Technical and Community College shall retain the ability to underfill any position and to advance any employee in an underfilled position, upon determination of satisfactory performance to the paygrade to which the position is assigned.

9. Delaware Technical and Community College's flexible benefits plan shall remain at the discretion of the College.

(t)(1) The salary plan for administration shall cover full-time employees of Delaware Technical and Community College not covered by Salary Plan A or Salary Plan B. The compensation of an employee on the Administrative Salary Plan shall be computed as follows:

(a) The base salary shall be determined by placement on the same index and in the same manner as Salary Plan A as outlined in Title 14, Section 9219;

(b) In addition to the salary received under Section 1, an employee will receive an annual amount for administrative responsibility. That amount will be computed by multiplying the amount provided under Section (1) by the index volume specified in the schedule below that corresponds with the appropriate classification and experience level.

	ADMINISTRATIVE RESPONSIBILITY YEARS IN LEVEL	
Level 1	0	4%
	1	5%
	2	6%
	3	7%

	4	8%
Level 2	0	9%
	1	10%
	2	11%
	3	12%
Level 3	0	26%
	1	28%
Level 4		37%
Level 5		55%

(2) The following provisions shall apply during Fiscal Year 1992:

(a) Placement on the Plan A index for the Fiscal Year 1992 shall be based on actual degrees, additional credits and relevant work experience.

(b) Initial placement on the years in grade level for administrative responsibility shall be determined by the employees actual level of experience in their positions in the Administrative Pay Plan at Delaware Technical & Community College.

(c) That the new salary for any employee shall not be effective until the presentation by the employee of proof of credentials to support claimed degrees, additional credits, and relevant work experience.

(d) Initial allocation of jobs in the Administrative Pay Plan to grade levels will be effective upon approval by the Budget Director and Controller General.

(e) Any changes in the allocation of jobs to grade level will be approved by the Board of Trustees and filed with the Budget Director and the Controller General.

(f) The Board of Trustees may provide additional compensation and benefits with non-state funds to employees in the Administrative Salary Plan.

Section 9. (a) Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is designated in this Act shall receive total compensation whether in wages, salary, wages-in-kind or food allotment bonus or overtime from agencies of this State in excess of the total amount specified in such line item regardless of the source of funds involved. No full-time, part-time or casual and seasonal employee of the State of Delaware shall receive any additional stipend for the purchase of food or be supplied with food or be reimbursed for food that was consumed during normal working hours within the state; except as provided in Title 29, Chapter 51, Section 5112 (b)(3), Delaware Code; or unless approval has been granted by the Budget Director and the Controller General; provided, however that this Section shall not apply to employees of State agencies who regularly receive wages-in-kind in addition to their salary nor to State Police recruits during the period of their training. In the event that an employee shall receive excessive compensation, the amount of the appropriation from the General Fund shall be reduced by the amount of such excessive compensation and the Attorney General shall take such steps as are necessary to recover from such employee any such excessive amount as has actually been paid. In the event the "All Other" part of the salary is made up entirely of federal funds, and such federal funds are terminated or reduced, the State appropriation is hereby increased to provide the "Total Salary" indicated. An agency may provide housing for such employee without reduction in the salary provided such housing is on the site of the principal location of employment and further provided that the head of the department

comparable to the Merit System pay plan using the same criteria authorized by the State Personnel Office for Merit System positions.

(b) Periodic classification maintenance reviews will be processed under the normal State Personnel maintenance review processes. Critical reclassifications will be processed under the same general system as the Merit System, subject to final approval of a Committee composed of the President of the College, Budget Director and Controller General.

3. The College is authorized to hire at up to 80% of the midpoint of an assigned paygrade upon the signature of the appropriate Vice President and Campus Director; hiring beyond 80% of midpoint up to 100% of midpoint shall require the signature of the College President; hiring beyond the 100% of midpoint shall require the signatures of the Budget Director and Controller General.

4. Selective market variation and any other special considerations relative to standard compensation exceptions will be handled in accordance with hiring/compensation procedures outlined in the Merit System.

5. Vacation and sick leave policies shall remain at the discretion of the College.

6. Part-time employees' salaries shall not exceed the hourly rate of the grade assigned to comparable full-time employees.

7. Delaware Technical and Community College will retain its practice of compensating Plan B employees for additional degrees as earned. This compensation will be in the form of a one-time bonus not added into the employee's base rate, and not paid out of State funds.

8. Delaware Technical and Community College shall retain the ability to underfill any position and to advance any employee in an underfilled position, upon determination of satisfactory performance to the paygrade to which the position is assigned.

9. Delaware Technical and Community College's flexible benefits plan shall remain at the discretion of the College.

(t)(1) The salary plan for administration shall cover full-time employees of Delaware Technical and Community College not covered by Salary Plan A or Salary Plan B. The compensation of an employee on the Administrative Salary Plan shall be computed as follows:

(a) The base salary shall be determined by placement on the same index and in the same manner as Salary Plan A as outlined in Title 14, Section 9219;

(b) In addition to the salary received under Section 1, an employee will receive an annual amount for administrative responsibility. That amount will be computed by multiplying the amount provided under Section (1) by the index volume specified in the schedule below that corresponds with the appropriate classification and experience level.

ADMINISTRATIVE RESPONSIBILITY
YEARS IN LEVEL

Level 1	0	4%
	1	5%
	2	6%
	3	7%

	4	8%
Level 2	0	9%
	1	10%
	2	11%
	3	12%
Level 3	0	26%
	1	28%
Level 4		37%
Level 5		55%

(2) The following provisions shall apply during Fiscal Year 1992:

(a) Placement on the Plan A index for the Fiscal Year 1992 shall be based on actual degrees, additional credits and relevant work experience.

(b) Initial placement on the years in grade level for administrative responsibility shall be determined by the employees actual level of experience in their positions in the Administrative Pay Plan at Delaware Technical & Community College.

(c) That the new salary for any employee shall not be effective until the presentation by the employee of proof of credentials to support claimed degrees, additional credits, and relevant work experience.

(d) Initial allocation of jobs in the Administrative Pay Plan to grade levels will be effective upon approval by the Budget Director and Controller General.

(e) Any changes in the allocation of jobs to grade level will be approved by the Board of Trustees and filed with the Budget Director and the Controller General.

(f) The Board of Trustees may provide additional compensation and benefits with non-state funds to employees in the Administrative Salary Plan.

Section 9. (a) Except as specifically authorized to the contrary by the Delaware Code, no State employee whose title is designated in this Act shall receive total compensation whether in wages, salary, wages-in-kind or food allotment bonus or overtime from agencies of this State in excess of the total amount specified in such line item regardless of the source of funds involved. No full-time, part-time or casual and seasonal employee of the State of Delaware shall receive any additional stipend for the purchase of food or be supplied with food or be reimbursed for food that was consumed during normal working hours within the state; except as provided in Title 29, Chapter 51, Section 5112 (b)(3), Delaware Code; or unless approval has been granted by the Budget Director and the Controller General; provided, however that this Section shall not apply to employees of State agencies who regularly receive wages-in-kind in addition to their salary nor to State Police recruits during the period of their training. In the event that an employee shall receive excessive compensation, the amount of the appropriation from the General Fund shall be reduced by the amount of such excessive compensation and the Attorney General shall take such steps as are necessary to recover from such employee any such excessive amount as has actually been paid. In the event the "All Other" part of the salary is made up entirely of federal funds, and such federal funds are terminated or reduced, the State appropriation is hereby increased to provide the "Total Salary" indicated. An agency may provide housing for such employee without reduction in the salary provided such housing is on the site of the principal location of employment and further provided that the head of the department

or agency has determined that such location of the employee is necessary to the operation of the agency and that the employee has no other employment. No agency shall provide an employee with a housing allowance or compensation for housing.

(b) A State employee whose salary is designated in this Act may perform additional duties for a State agency other than his/her principal employer, with the consent of his/her principal employer, and may be paid additional compensation therefore, provided such additional duties are not a part of his/her regular duties for the principal employer and not rendered during time paid for by the principal employer.

Section 10. (a) For the fiscal year ending June 30, 1992, the salaries displayed below represent the salary effective on July 1, 1991.

		July 1, 1991	
Budget Unit	Line Item	General Funds	All Other Funds
(02-01-00)	Chief Justice - Supreme Court	$ 102.6	$
(02-01-00)	Justice - Supreme Court	99.0	
(02-02-00)	Chancellor - Court of Chancery	97.8	
(02-02-00)	Vice Chancellor - Court of Chancery	94.1	
(02-03-00)	President Judge - Superior Court	97.8	
(02-03-00)	Associate Judge - Superior Court	94.1	
(02-03-00)	New Castle County Prothonotary	35.4	
(02-03-00)	Kent County Prothonotary	13.1	
(02-03-00)	Sussex County Prothonotary	9.9	
(02-06-00)	Chief Judge - Court of Common Pleas	96.6	
(02-06-00)	Judge - Court of Common Pleas	91.7	
(02-08-00)	Chief Judge - Family Court	96.6	
(02-08-00)	Associate Judge - Family Court	91.7	
(02-13-00)	Chief Magistrate - Justice of the Peace Courts	67.5	
(02-13-00)	Magistrate - Justice of the Peace Courts	38.3	
(02-17-00)	Director - Administrative Office of the Courts	67.5	
(02-18-00)	Public Guardian	40.1	
(02-18-00)	Executive Secretary - Violent Crimes Compensation Board		45.1
(02-18-00)	Executive Director - Foster Care Review Board	36.8	
(10-01-01)	Governor	80.0	
(10-02-00)	Budget Director	79.1	

(10-02-00)	Executive Director - Postsecondary Education Commission	51.9	
(10-02-00)	Executive Director - Information Systems	77.8	
(10-03-01)	Director - Delaware Development Office	79.1	
(10-03-04)	Director - State Housing Authority		64.7
(10-04-00)	Personnel Director	73.7	
(10-07-01)	Executive Director - CJC	$ 56.8	$
(10-07-02)	Executive Director - DELJIS	47.7	
(10-07-03)	Executive Director - SAC	58.6	
(12-01-01)	Lieutenant Governor	36.5	
(12-02-01)	Auditor	62.8	
(12-03-01)	Insurance Commissioner	62.8	
(12-05-01)	State Treasurer	68.2	
(15-01-01)	Attorney General	84.7	
(15-02-01)	Public Defender	68.2	
(15-03-01)	Parole Board Chairman	50.0	
(20-01-00)	Secretary - State	73.7	
(20-02-00)	Director - Human Relations	44.5	
(20-05-00)	Director - Corporations	29.6	29.6
(20-06-00)	Director - Historical and Cultural Affairs	55.9	
(20-07-00)	Director - Arts	41.8	
(20-08-00)	State Librarian	45.0	
(20-15-00)	State Banking Commissioner		71.0
(25-01-00)	Secretary - Finance	84.7	
(25-05-00)	Director - Accounting	63.6	
(25-06-00)	Director - Revenue	73.3	
(25-07-00)	Director - State Lottery		60.6
(30-01-00)	Secretary - Administrative Services	68.2	

(30-01-00)	Executive Director - Public Employment Relations Board	45.5	
(30-03-00)	Executive Secretary - Alcoholic Beverage Control Commission	49.4	
(30-03-00)	Director - Professional Regulation	49.8	
(30-03-00)	Director - Public Service Commission		48.2
(30-03-00)	Director - Consumer Affairs	44.7	
(30-03-00)	Public Advocate	53.4	
(30-04-00)	Director - Support Operations		48.3
(30-05-00)	Director - Facilities Management	$ 56.9	$
(30-05-00)	Executive Secretary - Architectural Accessibility Board	35.7	
(30-06-00)	Director - Purchasing	50.5	
(35-01-00)	Secretary - Health and Social Services	84.7	
(35-01-00)	Director - Business Administration	54.5	6.0
(35-01-00)	Director - Planning Research & Evaluation	54.5	
(35-04-00)	Chief Medical Examiner	103.0	
(35-05-00)	Director - Public Health	101.4	
(35-06-00)	Director - Alcoholism, Drug Abuse and Mental Health	86.9	
(35-07-00)	Director - Social Services	35.3	34.0
(35-10-00)	Director - Child Support Enforcement	18.0	34.9
(35-11-00)	Director - Mental Retardation	69.3	
(35-12-00)	Director - State Service Centers	48.7	
(35-12-00)	Director - Volunteer Services	40.0	
(35-12-00)	Director - Community Services	44.9	
(35-14-00)	Director - Aging	50.5	
(37-01-00)	Secretary - Services for Children, Youth, and Their Families	73.7	
(37-01-00)	Director - Administration	58.4	

(37-02-00)	Director - Child Protective Services	65.4	
(37-03-00)	Director - Child Mental Health Services	80.3	
(37-05-00)	Director - Youth Rehabilitation Services	65.4	
(37-08-00)	Director - Program Support	57.3	
(38-01-00)	Commissioner - Correction	79.1	
(38-04-00)	Bureau Chief - Prisons	69.3	
(38-06-00)	Bureau Chief - Community Custody and Supervision	55.6	
(40-01-00)	Secretary - Natural Resources and Environmental Control	73.7	
(40-05-00)	Director - Fish and Wildlife	25.5	25.5
(40-06-00)	Director - Parks and Recreation	60.4	
(40-07-00)	Director - Soil and Water Conservation	$ 53.4	$
(40-08-00)	Director - Water Resources	64.4	
(40-09-00)	Director - Air and Waste Management	69.6	
(45-01-00)	Secretary - Public Safety	73.7	
(45-01-00)	Director - Emergency Planning and Operations	23.1	23.2
(45-01-00)	Director - Boiler Safety	38.2	
(45-06-00)	Superintendent - State Police	70.6	
(45-06-00)	Assistant Superintendent - State Police	58.4	
(45-07-00)	Director - Motor Vehicles	59.3	
(55-01-01)	Secretary - Transportation		79.1
(55-02-01)	Director - Administration		55.2
(55-03-01)	Director - Transportation Planning		63.0
(55-04-01)	Director - Highway Operations		76.5
(55-06-01)	Director - Delaware Transportation Authority		68.0
(60-01-00)	Secretary - Labor	7.9	60.3

(60-06-00)	Director - Unemployment Insurance		57.4
(60-07-00)	Director - Industrial Affairs	48.2	
(60-08-00)	Director - Vocational Rehabilitation		57.4
(60-09-00)	Director - Employment and Training	3.7	53.7
(65-01-00)	Secretary - Agriculture	62.8	
(65-01-00)	Deputy Secretary - Agriculture	51.3	
(70-01-01)	Commissioner - Elections	41.2	
(70-02-01)	Administrative Director - New Castle County Elections	38.2	
(70-02-01)	Deputy Administrative Director - New Castle County Elections	37.3	
(70-03-01)	Administrative Director - Kent County Elections	38.2	
(70-03-01)	Deputy Administrative Director - Kent County Elections	37.3	
(70-04-01)	Administrative Director - Sussex County Elections	38.2	
(70-04-01)	Deputy Administrative Director - Sussex County Elections	37.3	
(75-01-01)	State Fire Marshal	$ 32.8	$ 16.1
(75-02-01)	Director - State Fire School	32.8	16.1
(76-01-01)	Adjutant General	62.8	
(95-01-00)	Superintendent - State Board of Education	97.0	
(95-06-00)	Executive Secretary - Advisory Council on Career and Vocational Education	29.5	29.6

(b) For the fiscal year ending June 30, 1992, the following line item salaries represent the maximum salaries appropriated within Salaries in Section 1 of this Act:

Budget Unit	Line Item	General Funds	All Other Funds
(10-02-00)	Commission Members - Postsecondary	$ 2.4	$
(10-04-00)	Personnel Commissioners	7.5	
(10-04-00)	Board Members - Pensions		9.6

(15-03-01)	Board Members - Parole	15.0	
(20-02-00)	Board Members - Human Relations	2.5	
(25-06-00)	Board Members - Revenue	33.0	
(30-01-00)	Board Members - Public Employment Relations Board	7.4	
(30-03-00)	Board Members - Alcoholic Beverage Control Commission	8.6	
(30-03-00)	Board Members - Professional Regulations	50.2	
(30-03-00)	Board Members - Public Service Commission		80.0
(30-03-00)	Board Members - Consumer Affairs	3.5	
(30-05-00)	Board Members - Architectural Accessibility Board	2.3	
(38-04-00)	Institutional Classification Board	12.0	
(60-07-00)	Board Members - Industrial Accident Board	84.0	
(70-02-01)	Board Members - New Castle County Elections	10.5	
(70-03-01)	Board Members - Kent County Elections	6.5	
(70-04-01)	Board Members - Sussex County Elections	6.5	
(95-01-00)	Board Members - State Board of Education	8.4	

(c)(i) Salaries of designated positions in Section 10(a) of this Act shall have no further increase applied by any other section of this Act except as provided in Section 10(c)(ii) or Section 10(c)(iii) or Section 10(c)(iv).

(ii) The salaries contained in Section 10(a) of this Act for the Kent County Prothonotary and the Sussex County Prothonotary shall remain in effect until such time as the current term expires or the position becomes vacant. Upon expiration of the current term or when a vacancy occurs, the State Personnel Director, the Budget Director and the Controller General shall determine an evaluated pay range for the position based on a Position Classification Questionnaire (PCQ) approved by the President Judge of the Superior Court. If the elected incumbent is appointed, the salary in effect shall remain at the current level or be brought to the minimum of the evaluated pay range, whichever is greater. If the appointee is other than the elected incumbent, compensation shall be set according to Sections 10(c)(iii) and (iv) of this Act.

(iii) If a position in Section 10(a) becomes vacant during the fiscal year and the scheduled salary associated with a vacant position is below the position's evaluated midpoint and the appointing authority determines that a suitable replacement cannot be recruited and hired for the compensation provided under this Section, the appointing authority may submit a request to the State Personnel Director to increase the salary up

to the evaluated midpoint. If the scheduled salary associated with a vacant position is above the position's evaluated midpoint, the appointing authority shall justify to the State Personnel Director why the salary of a proposed replacement should be kept above the evaluated midpoint. If adequate justification cannot be provided, the starting salary shall be decreased as appropriate and may be set lower than the evaluated midpoint depending upon the qualifications of the proposed incumbent. In reviewing requests made pursuant to this paragraph, the State Personnel Director shall provide an analysis of the request and shall solicit the advice and written consent of the Budget Director and the Controller General.

(iv) Regardless of the provisions of this Act, any State employee who is offered a promotional opportunity to become a Division Level Manager and who at the time such offer is made, is being paid a salary that equals or exceeds the salary for the Division Level Manager position as established by this Section of this Act, shall be eligible for a five percent promotional salary increase. This eligibility shall be conditioned on a determination that the duties and responsibilities of the Division Level Manager position are at least one paygrade higher than the position proposed to be vacated based on a comparison of equivalent value. For the purpose of this paragraph, the equivalent value of one paygrade is defined as a seven percent difference in the constant fiscal year dollar value of the evaluated pay range midpoint of the Division Level Manager position compared to the position that the employee is vacating. If an employee is offered an appointment to a Division Level Manager position that has an equivalent value equal to or less than the paygrade assigned to the position the employee is vacating, the employee may retain his/her current salary, provided that it does not exceed the evaluated pay range midpoint, or the current salary of the Division Level Manager position, whichever is greater.

(d) Effective May 1, 1992, the Office of State Personnel shall submit to the Joint Finance Committee a listing of employees designated in Section 10(a). The listing shall indicate for each position the number of points applicable for Fiscal Year 1992 and the number of points of any recommended changes for any position for Fiscal Year 1993.

Section 11. Salaries and wage rates for State employees who are not covered by the provisions of Title 14, Chapter 13, Delaware Code, or by the Merit System, excluding employees of the General Assembly - House or the General Assembly - Senate, Uniformed State Police, employees of the University of Delaware, employees of Delaware State College, employees of Delaware Technical and Community College who are paid on the Administrative Salary Plan or Salary Plan A, members and employees of the Delaware National Guard and employees whose salaries are governed by Section 10 of this Act, shall have the following:

(a) The salary of employees shall be comparable to salaries and wage rates paid from funds appropriated by the State to employees with similar training and experience who serve in similar positions in the Merit System. In the event that there are no similar positions in the Merit System, the State Personnel Director shall establish an exempt position classification only for the purpose of assigning a salary or wage rate to said position. On or before August 15, 1991, the State Personnel Director shall publish a list of exempt positions and the comparable Merit System class and/or paygrade for each position. In addition, such listing shall show the name of the incumbent, if the position is filled, and shall show the statutory citation which authorizes the establishment of the exempt position(s). The State Personnel Director shall provide copies of such listing to members of the Joint Finance Committee and the Controller General. No exempt employee shall be hired until said list is published. No reclassification of exempt employee, otherwise permitted under Delaware law, shall become effective unless and until a new position is placed on the comparability list. In order to permit the development of the comparability list, State agencies shall provide to the State Personnel Director job descriptions of all exempt positions and position classification questionnaires describing the duties and

responsibilities of each of the positions. The certification of comparability by the State Personnel Director shall not be withheld unreasonably. Those positions assigned on a list of comparability that are assigned a comparable class and/or paygrade in the Merit System shall be paid in accordance with Section 8(c) and (d) and Merit System Rule 13.0110; no other salary increases shall be given to such employees unless specifically authorized in this Act.

(b) The salary of employees whose salary in effect as of June 30, 1991, is below the minimum salary of the assigned paygrade of the pay plan shall be raised to the minimum salary.

(c) Notwithstanding any other provision of the Delaware Law or this Act to the contrary, civilian employees of the Delaware National Guard shall be compensated at a salary and wage rate established by the Federal Civil Service Commission.

Section 12. Nothwithstanding Section 11, no other salary increase shall be given to employees of the General Assembly - House or the General Assembly - Senate unless specifically authorized in this Act.

Section 13. Any employee eligible for termination pay, whose regular pay was from special funds, shall have termination pay paid from Special Funds. If the employee's regular pay is from both General and Special Funds, termination pay shall be on a pro-rata basis. The intent of this Section is that if any school district charges their local share to Division III - Equalization Funds, that for termination pay purposes only, these funds are considered Special Funds. The Department of Transportation is authorized to pay termination pay for its employees electing the Early Retirement Option such that the General Fund portion of the total termination pay shall be 73%, up to a maximum of $2,096.6, regardless of the funding source from which the employees' regular salaries were paid. Exceptions to this method of payment must have the approval of the Budget Director and Controller General. All agencies shall absorb termination pay within the appropriations set forth in Section 1 of this Act.

Section 14. All agencies or schools receiving federal funds must transfer to the Budget Office three-tenths or five-tenths of one percent, respectively, of the federal funds received to a special fund account known as the "Federal Audit Set-Aside Account". Agreement has been signed with the federal government approving this methodology of paying for the single audit concept.

Section 15. All departments with Internal Programs identified in Section 1 of this Act are hereby authorized to transfer appropriations among Travel, Contractual Services, Supplies and Materials, and Capital Outlay lines within an internal program and amend ASF estimated appropriations/receipts. These transfers shall not require the approval of the Budget Director and Controller General. Copies of these transfers shall be sent to the Controller General after entry into the state's accounting system.

Section 16. In accordance with the Freedom of Information Act (Title 29, Section 10003, Delaware Code) an agency may charge a reasonable amount approved by the Budget Director for reproducing public documents. This charge shall be credited to agency accounts as expenditure reducing for reproduction costs as charged.

Section 17. All State agencies and departments which own land shall inform the Budget Director, the Controller General, and the General Assembly, quarterly, as to any and all developments relating to the possible new use, lease or sale, of any portion of said land. This section shall not apply to lands owned by the Department of Transportation that are intended for highway use.

Section 18. Those agencies which receive energy funding in Section 1 of this act or are housed in State owned or rented facilities must comply with the following heating and air conditioning guidelines during Fiscal Year 1992.

(1) Operate heating systems with temperatures not to exceed 67 degrees during normal working hours. Temperatures shall also not exceed 55 degrees in those facilities during unoccupied times including the non-business hours of 5:00 p.m. to 7:30 a.m. workdays, weekends and holidays. Whenever possible, doors to unused rooms should be closed and heat controls for those areas set to the minimum temperature of 55 degrees.

(2) Operate air conditioning no more than is necessary to maintain a temperature of 78 degrees between the hours of 8 a.m. and 5 p.m. during normal working days. During non-working hours, weekends and holidays the air conditioning temperature should be no less than is required to maintain the integrity and operation of the system.

(3) Schools, health care and correctional facilities are exempt from these restrictions if such temperatures threaten life, health or safety; however, some adjustment toward these settings should be applied. Further, when heating and cooling systems permit, administrative areas of such facilities should be operated at the temperatures stated in this section. Additionally, any room or area that houses computer mainframe equipment or other equipment that requires precise climate controlled conditiuns in order to operate efficiently shall also be exempt.

These actions are necessary in order to allow the State to reduce its annual energy consumption and to ensure that each agency can cover its energy needs within the appropriation contained in Section 1 of this Act. The Section 1 energy appropriations have been reduced by 11 percent, a savings well within the parameters of the temperature settings required by this Section.

Section 19. Section 1 of this Act provides funding for a State employee pension rate of 12.2%. The components of the rate are approximately 7.8% for the pension liability and 4.4% for the retiree health insurance liability. The 1991 Early Retirement Option (ERO) accounts for approximately .9% of the pension liability and 1.4% of the retiree health insurance liability.

Section 20. Any retroactive salary expenses resulting from Senate Bill No. 84 of the 136th General Assembly shall not be considered a prior year expense and shall be paid from appropriations for salary/personnel costs contained in Section 1 of this Act.

Section 21. Section 1 of this Act reflects reductions in positions as a result of the 1991 Early Retirement Option (ERO) for State employees. The legislation authorizing ERO required termination payments to be made during Fiscal Year 1992. Therefore, agencies shall be allowed to maintain positions in excess of those contained in Section 1 of this Act, until such time as termination payments have been made.

Section 22. Section 1 of this Act authorizes General Fund positions that have been deemed "essential" in accordance with the ERO legislation and will be deauthorized at the end of the time granted as "essential".

The following General Fund positions in Section 1 of this Act have been deemed essential through the date indicated. Termination pay must be paid by the next pay cycle. The positions shall be deauthorized once the termination payment has been made.

DDS	Position Number	Date
01-02-01	162	07/31/91
01-08-01	154	07/31/91
02-13-10	756	11/30/91
10-04-05	1137	05/31/92
12-05-01	1167	03/31/92

30-01-10	945	01/31/92
35-12-40	57033	11/30/91
95-01-04	16382	12/31/91

In addition, the following Department of Transportation positions shall be eliminated on the date so indicated.

Position Number	Date
10196	12/01/91
9923	09/01/91

Section 23. The financial transaction identified in H.B. 750 of the 135th General Assembly was processed in fiscal year 1990 in complete conformance with the intent of the legislation.

Section 24. Amend Section 5204(c), Chapter 52, Title 29, Delaware Code, by inserting the words, "Controller General", immediately following the words, "Budget Director", as they appear in the first sentence thereof.

Section 25. For the fiscal year ending June 30, 1991, any sums in the following accounts shall remain as continuing appropriations and shall not be subject to a reversion until June 30, 1992.

Fiscal Year Appropriation	Account Codes	Remarks
1991	(01-01-01-01-82)	Reapportionment Expenses
1986	(01-05-01-01-80)	Radioactive
1986	(01-05-01-03-54)	Radioactive
1991	(02-02-20-01-98)	Historical Records Reproduction - Kent County
1990/91	(10-02-01-01-82)	Computer One-times
1990/91	(10-02-01-01-85)	Development Fund
1991	(10-02-01-01-91)	Budget Automation
1991	(10-02-04-01-85)	Legal Contingency
1990	(10-02-09-01-98)	Equipage-Expansion of Facilities
1990	(10-02-11-01-98)	Equipage-Expansion of Facilities
1990/91	(10-02-15-01-99)	Development Special Projects
1987	(20-01-01-01-80)	Bicentennial
1990	(20-06-04-01-98)	Historic Markers
1991	(20-06-04-01-98)	Belmont Hall Items
1990/91	(25-01-01-01-80)	Notebook
1989	(25-01-01-01-81)	Input/Output
1989/91	(25-01-01-01-85)	Systems Development
1990	(30-01-10-01-98)	Department Business Systems Plan
1990	(30-05-10-01-81)	Real Estate
1991	(35-01-20-01-98)	HIRE Demonstration Program
1991	(35-01-50-01-81)	Health Care Commission - Education
1990	(35-05-03-01-81)	Paramedic Program - Equipment
1991	(35-11-20-01-98)	Wheelchairs
1990	(37-08-20-01-98)	Computer Enhancements

1991	(38-01-40-01-80)	Energy Saving Projects
1991	(38-01-40-01-99)	Maintenance/Restoration
1991	(38-04-05-01-80)	Community Development
1987	(40-01-01-01-98)	Superfund
1986	(45-01-01-03-81)	Hazardous Waste Revolving Fund
1990	(65-03-02-01-98)	LIMS Automated Lab Computerization
1989	(76-01-01-01-84)	Maintenance/Restoration
1990	(76-01-01-01-98)	Dover Armory Upgrade
1991	(95-10-00-01-98)	At-Risk
1991	(95-13-00-01-98)	At-Risk
1991	(95-15-00-01-88)	Principal of the Year
1991	(95-15-00-01-98)	At-Risk
1991	(95-16-00-01-98)	At-Risk
1991	(95-18-00-01-98)	At-Risk
1991	(95-23-00-01-98)	At-Risk
1991	(95-24-00-01-98)	At-Risk
1991	(95-29-00-01-98)	At-Risk
1991	(95-31-00-01-98)	At-Risk
1990/91	(95-32-00-01-88)	Principal of the Year
1991	(95-32-00-01-98)	At-Risk
1991	(95-33-00-01-98)	At-Risk
1991	(95-34-00-01-98)	At-Risk
1991	(95-35-00-01-98)	At-Risk
1991	(95-36-00-01-98)	At-Risk
1991	(95-37-00-01-98)	At-Risk

LEGISLATIVE

Section 26. Of the total positions authorized in Section 1 of this Act for the Division of Research (01-08-01), the position of Research Assistant to the House and Senate Sunset Standing Committees shall be an exempt position and shall report to the Director.

Section 27. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-02) for Salaries - Casual and Seasonal for Standing Legislative Committees. Requests from Chairmen of Standing Legislative Committees for professional staff assistance shall be submitted to the Legislative Council for approval or disapproval. Approvals for professional staff assistance shall be allowed within the limits of the appropriation and as provided by guidelines established by the Legislative Council.

Section 28. Section 1 of this Act provides an appropriation to the Office of the Controller General (01-08-02) for Contingency - Legislative Council. Requests from various task forces and committees of either the House of Representatives or the Senate for travel expenses, meeting expenses, contractual services and any other expenses shall be submitted to the Legislative Council for consideration.

Section 29. The Hay points and the salary schedule for the Controller General shall be calculated in a manner comparable to division directors.

JUDICIAL

Section 30. Any fees, assessments, costs or other financial obligations imposed by the Family Court for the issuance and service of subpoenas or summons by way of court rules, regulations or administrative procedure may not be charged to the Department of Services

for Children, Youth and Their Families. Any such costs associated with these procedures shall be the financial responsibility of Family Court.

Section 31. Funds of $700.0 are provided for Family Court civil automation for Child Support case processing. The recommended funding is to bring Family Court into compliance with the Family Court Act of 1988. Should Family Court receive reimbursement from the federal government, the Budget Director and Controller General shall have the authority to transfer a portion or all of those funds to the Office of the Budget, Contingencies and One-time Items (10-02-04).

Section 32. Section 1 of this Act contains position authorizations and associated appropriations to the Justices of the Peace Courts (02-13-10) included exclusively for the purpose of extending business hours in the following courts as specified:

J.P. Court #2 (Lewes)	10 eight-hour shifts per week
J.P. Court #4 (Seaford)	10 eight-hour shifts per week
J.P. Court #10 (Prices Corner)	12 eight-hour shifts per week
J.P. Court #15 (Penny Hill)	10 eight-hour shifts per week

Twelve months of funding for five (5) Court Clerk I positions are contained therein exclusively to this end, totaling $100.0. The positions shall be filled and the courts' hours extended as expeditiously as practicable.

A prorated portion of said appropriation for each position remaining unfilled at the end of each month of the fiscal year shall be transferred from the Court to the Budget Office "Salary and E.R.O. Termination Contingency" Account contained in (10-02-04).

Section 33. For the period July 1, 1991, through June 30, 1992, the State Escheator shall deposit all escheated monies from the Judicial Department into a special fund revolving account in the Administrative Office of the Courts (02-17-01), for the specific purpose of addressing the reconciliation expenses incurred during the initiation of a centralized accounting system for all State courts. The Administrative Office of the Courts shall submit a work plan for the reconciliation project to the Secretary of Finance, the Controller General and the Budget Director on or before July 31, 1991.

Furthermore, be it enacted, that all accounts which are delinquent as of January 1, 1990, and which are collected shall have their General Fund costs and fines deposited in the same revolving special fund as the Judicial Escheat monies. Deposits into this account shall not exceed $200.0.

Section 34. Position No. 411, Management Analyst III, is hereby transferred from the Family Court (02-08-10) to the Administrative Office of the Courts, Office of the Director (02-17-01). Section 1 of this Act accomplishes the transfer of the position authorization and the associated personnel costs.

EXECUTIVE

Section 35. (a) The appropriation in Section 1 of this Act for Data Processing - Development Projects to the Office of the Budget (10-02-01), contemplates information technology planning, development and procurement services for the following State department/agencies development projects and feasibility studies:

DEPARTMENT/AGENCY	SERVICE NEED
Executive	

Office of the Budget	BIS Enhancements
Office of State Personnel	State-wide Human Resource Management System
State	Corporations System Enhancements
Finance	Information System Enhancements
Administrative Services	Information System Enhancements
Health and Social Services	Information System Enhancements
Services for Children, Youth and Their Families	CYCIS System Enhancements
Natural Resources and Environmental Control	Geographic Information Systems
Public Safety	MFT System Enhancements
Elections	Voter Registration System

Allocation of the funds appropriated for this purpose shall be made by the Budget Director in consultation with the affected department/agency head. Service need allocations shall not be transferred to another department or service need unless approved by the Budget Director. In the event there are federal funds available for match in support of a project or projects, the Budget Director and the Controller General may transfer such funds as are necessary for matching purposes to the department/agency involved.

(b) No computer or computer-programming related systems project identified in Subsection (a) of this Section may be initiated by the departments/agencies during Fiscal Year 1992 unless covered by a formalized plan approved by the department/agency head and the Budget Director. After the Budget Director approves a formalized project, he/she shall forward a copy to the Controller General. Such project will be in the form approved by the Budget Director, or his/her designee, and shall include:

(i) statement of work to be done;
(ii) existing work to be modified or displaced;
(iii) total cost of systems development and conversion effort, including systems analysis and programming cost, establishment of master files, testing, documentation, special equipment costs, including full overhead, savings or additions in positions and operating costs that will result after development or conversion;
(iv) other advantages or reasons that justify the work;
(v) source of funding for the work and whether or not work is within scope of work envisioned under this Section; and
(vi) estimated costs of such project shall include a three-year projection, i.e., current fiscal year and two succeeding fiscal years.

(c) No project is to be undertaken which is beyond the scope of work approved by the department/agency head and the Budget Director. This requirement applies to all computer or computer-programming related systems development performed by the Office of Information Systems in the Office of the Budget, department/agency itself or an outside consultant or contractor. Further, this requirement applies to new computer programs or systems purchased or otherwise acquired and placed in use.

(d) Status reports, sufficiently descriptive in nature of each project, shall be prepared by each department/agency and provided quarterly to the Budget Director and the Controller General.

(e) In support of all projects executed between Information Systems in the Office of the Budget and the concerned department/agency, Information Systems shall maintain staff support to the benefit of department/agency at the projected level of effort (subject to recruitment delays) until the project work has been accomplished.

(f) No funds appropriated in Section 1 of this Act may be used to employ data or word processing professionals in support of current or proposed data or word processing systems without prior written approval of the Budget Director.

Section 36. Any internal program unit/budget unit having energy funding (electricity, natural or propane gas and heating oils) for the purpose of reimbursing a host internal program unit/budget unit must release the remaining sums to the host internal program unit/budget unit in the event that the tenant internal program unit/budget unit vacates the premises. It is the responsibility of the host internal program unit/budget unit to initiate the transfer request.

Section 37. The amount appropriated to the Office of the Budget - Contingency - Prior Years' Obligations, shall be used to pay Salaries and Wages, Other Employment Costs, reimbursement of overpayment of fringe benefits, and other obligations which require adjustment of the State's accounts. Any use of the Prior Years' Obligations account by any agency receiving funds in Section 1 of this Act, in excess of the amount reverted from the applicable line code on June 30 of the fiscal year in which the expense was incurred, will require the requesting agency or school district to reimburse the Prior Years' Obligations account by the amount equal to the excess requested. A line code reversion sum does not negate the necessity of encumbering sufficient funds to cover known expenses: proof of circumstances beyond an agency's ability to encumber must be documented on the request for transfer to be excluded from the reimbursement clause. All requests for prior year funds to complete the payment of one-time items will require a reimbursement to the Prior Years' Obligations account by the requesting agency. The reimbursement can be removed from the current fiscal year's budget. The reimbursement clause shall not apply to legal judgments against the agency or school district. A reimbursement under this Section shall not be deemed to be prohibited by Title 10, Section 8111, Delaware Code.

Section 38. In the event the Energy Contingency and the hedging contract receipt funds are of a sufficient amount after meeting the agencies and the School Districts needs per the epilogue of this legislation, the Division of Purchasing (30-06-00) and the Budget Office (10-02-01) may enter into Fiscal Year 1993 heating oil hedging contract/s during the fourth quarter of Fiscal Year 1992.

Section 39. In the event that funds are collected by the State from the heating oil hedging contract, the portion due the Public School Districts shall be distributed using the State Board approved Division II unit count for each district.

The distributed amount shall be in addition to the energy appropriations for each district authorized in Section 1 of this Act.

Section 40. The continuing analysis of the state-wide energy data has led to adjustments to all heating oil prices and almost all gas and electricity prices. The adjustments have been developed by agencies, the University of Delaware and the school districts. The Budget Office shall make, at the discretion of the Budget Director, the necessary adjustment to accommodate the new energy values while loading the Fiscal Year 1992 budget into the State accounting system.

Section 41. For Fiscal Year 1992, Title 29, Chapter 65, Section 6529, Delaware Code is interpreted to include the ability to implement a hiring review process. All State Agencies with the exception of Legislative, Judicial, Higher Education and School Districts shall be subject to the provisions of Section 6529 as interpreted by this section. Implementation of a hiring review process shall require all positions to be reviewed and approved by the Budget Director and the State Personnel Director prior to filling. All non-cabinet agency hiring requests shall also require the review and approval of the Controller General prior to filling.

Section 42. The appropriation in Section 1 of the Budget Appropriation Bill to the Office of the Budget - Contingency (10-02-04) for Contingency - State special funds for $20,000.0 shall be used to make adjustments in the amount of State special fund appropriations in the event additional State special funds are received which were not previously anticipated. Such adjustments shall be made in accordance with the approval of the Budget Director and the Controller General.

Section 43. Section 1 of this Act provides an appropriation to Office of the Budget - Contingency and One-Time Items (10-02-04) for the Fiscal Year ending June 30, 1992. It is the intent that the appropriation for One-Time Appropriations in the amount of $4,097.1 shall be non-recurring expenditure items. The Budget Director shall transfer the appropriations as itemized to the departments. Each receiving department shall identify the line item, object code and, for all practical purposes, complete and separate accountability for each appropriation amount transferred. No appropriation shall be transferred without the Budget Director and Controller General approvals. Any one-time appropriation for computer/word processing hardware, software and telecommunications, which contemplates the development of computer-related systems, shall be transferred into the line computer one-time projects in Office of the Budget Administration (10-02-01). The allocation of these funds shall be made by the Budget Director upon the approval of a formalized plan approved by the Department/Agency head and the approval of the Executive Director of the Office of Information Systems or his/her designee, and subject to the same language in Section 35 of this Act.

Further, it is the legislative intent that none of the appropriations for One-Time Appropriations be included, or be considered, as a part of the basic budget request for the Fiscal Year 1993 Appropriation Bill.

Where applicable, the appropriations to Office of the Budget - Contingency - One-Time Appropriations (10-02-04) are subject to the following terms and conditions:

DDS	Amount	Purpose
01-08-02	166.0	Computer Equipment
02-17-01	700.0	Civil Court Case Management System
02-17-01	100.0	Court Appointed Attorneys - Brooks, Pennell Trials
10-02-01	30.0	CSCRP - DPI Computers
10-03-02	40.0	Flags and Pins
10-03-04	500.0	Housing Development Fund
10-07-02	293.0	DELJIS Development - Case Management and Tracking
	255.0	DELJIS Development - Offender Classification and Tracking
12-02-01	26.0	OIS Audit
15-01-01	7.5	Mobile Radios
15-01-01	12.8	Vehicle
15-01-01	25.0	Pennell and Red Dog Cases
15-02-01	.8	Office Equipment
20-06-04	2.0	Engraving - Afro-American Medal of Honor Memorial
20-06-04	2.0	Historical Marker - Old Sound Methodist Church
20-06-04	2.0	Historical Marker - Whiteleysburg
20-07-01	20.0	Symphonic Performing Arts
20-08-01	15.0	Computer - Blind
DDS	Amount	Purpose
30-02-10	2.3	Audio Visual Equipment - Public Building

	10.1	Equipment for New Positions
35-07-01	12.0	Computer Equipment - CSCRP
35-11-20	75.0	Wheelchairs
37-03-50	50.0	Indian River Project Start-up Costs
38-01-20	28.7	Food Preparation and Storage Equipment
38-01-40	27.0	One Van and One Pick-up
38-01-50	55.5	Three Vans
	3.6	Safety Equipment
38-04-01	10.5	Vehicle
38-04-02	2.0	Washer and Dryer
38-04-03	6.0	Perimeter Vehicles
	20.0	Laundry Truck
38-04-04	5.0	Phone Survey
	10.4	Clothes Dryer
38-04-06	13.7	One Van
38-06-01	11.5	One Vehicle with Radio
38-06-02	23.0	Two Vehicles with Radios
38-06-03	11.5	One Vehicle with Radio
38-06-04	105.0	Electronic Monitoring Anklets
38-06-06	3.6	Radios
45-01-01	25.0	Moving Expenses
70-01-01	25.0	Reprint of Title 15
	13.8	Reapportionment
	13.0	Data Access System
	23.6	Computerized Election Mapping and Desktop Publishing
	7.5	System Backup
70-02-01	10.0	Non-voter Mass Mailings
	257.8	Reapportionment
70-03-01	46.0	Reapportionment
70-04-01	45.0	Reapportionment
75-02-01	10.0	Five C/D ROM Systems for the DERIN Computer System
75-03-01	.7	One Typewriter
90-01-02	100.0	Topographical Maps
95-02-02	60.0	Certification System
95-04-01	776.2	School Bus Replacement

Section 44. Section 1 of this Act makes an appropriation to Postsecondary Education Commission (10-02-07) for scholarships: $180.0 shall be made available for scholarship/loans for Delaware students who pursue degrees in nursing in accordance with Chapter 34, Title 14 of the Delaware Code; $180.0 shall be used for scholarship/loans for the Christa McAuliffe Teacher Incentive Scholarship/Loan Program in accordance with the provisions of House Bill 707 of the 133rd General Assembly; $90.0 shall be used for the Engineering and Science Fund in accordance with Senate Substitute 1 for Senate Bill 334 of

the 134th General Assembly; $25.0 shall be used for the B. Bradford Barnes Scholarship Program.

Section 45. Listed below are the allocations of Office of Information Systems services for Fiscal Year 1992.

Agency	Fiscal Year 1992 Projections General Funds	Other Funds
Legislative	$ 58.0	$
Judicial	370.0	
Executive	1,268.9	209.4
Other Elective Offices	400.0	
Legal	65.0	
State	1,300.0	130.0
Finance	4,842.2	2.0
Administrative Services	215.0	
Health and Social Services (Dover)	318.0	35.0
Health and Social Services (Biggs)	1,019.6	1,329.8
Children, Youth and Their Families (Dover)	35.0	
Children, Youth and Their Families (Biggs)	112.0	
Correction	218.0	127.0
Natural Resources and Environmental Control	79.0	
Public Safety	900.0	
Transportation	285.0	2.0
Labor	54.0	
Agriculture	8.0	
Elections	500.0	
Fire Prevention Commission	7.0	
National Guard	3.0	
Higher Education	80.0	
Public Education	355.0	
Total:	$ 12,492.7	$ 1,835.2
GRAND TOTAL	$ 14,327.9	

Section 46. Section 1 of this Act appropriates $112.5 for Other Items to Delaware Economic Development Authority (10-03-03). Of this amount, $45.0 shall be used in support of the Small Business Development Center and $30.0 shall be allocated for the Delmarva Advisory Council.

Section 47. (a) Section 1 of this Act appropriates to the State Housing Authority (the "Authority") $4,347.1 for its Fiscal Year 1992 Discretionary Operating Expenses. Discretionary Operating Expenses include Salaries, Other Employment Costs, Travel, Contractual Services, Supplies and Materials and other normal business expenses of the Authority which are not required to be made pursuant to bond resolutions, trust indentures, agreements with the Federal Department of Housing and Urban Development, or otherwise required by operating agreements of the Authority. Notwithstanding any other provision of this Act, all parts or portions of the several sums appropriated by this Act which, on the first day of July, 1992, shall not have been paid out of the State Treasury, shall not revert to the General Fund, but shall revert to the Authority to be expended for any lawful purpose of the Authority.

(b) Nothing herein shall be construed to require any prior approval for the Authority to meet its previously contracted obligations, including debt service requirements under

bond resolution or trust indenture of the Authority, nor shall anything contained herein require any such prior approval for any expenditure by the Authority under any such bond resolution or trust indenture or under any agreement with the Federal Department of Housing and Urban Development.

(c) Further, nothing contained herein shall authorize the General Assembly to approve an amount for Discretionary Operating Expenses for the Authority in any subsequent years in an amount less than the amount actually incurred as Discretionary Operating Expenses by the Authority in its last prior fiscal year, plus an inflation factor equal to the United States Consumer Price Index (CPI) or successor indices, annualized at November of the year prior to the year for which such budget is prepared, unless the budget prepared by the Authority, with the approval of the Director of the Delaware Development Office, requests a lesser amount.

Section 48. No agency shall engage a consultant or authorize expenditure of any General or Special funds for the purpose of studying personnel policies and/or the wage and salary classification of employees without the written authorization of the Personnel Director, Budget Director and the concurrence of the Controller General.

Section 49. Section 1 of this Act appropriates $246.4 to the Office of State Personnel, Operations (10-04-02) for Generic Aides/Handicapped Employees. This appropriation is intended to encourage and enable qualified mentally and physically handicapped persons to obtain State employment per the provisions of Senate Bill 496 of the 132nd General Assembly and House Bill 136 of the 134th General Assembly.

Section 50. Section 1 of this Act provides authorization for a Staff Development Officer to be funded with Appropriated Special Funds in the Office of State Personnel, Staff Development and Training (10-04-04). The position will support State-wide training programs for State managers, supervisors and employees. It is the intent of this Act to support these State-wide training programs, in part, with funds generated from the assessment of charges for courses on agencies participating in certain classes held by the Office of State Personnel. The Office of State Personnel may set charges for courses to sustain or create training programs, and an Appropriated Special Fund Account will be established by the Budget Director to provide partial funding for Office of State Personnel training programs.

Section 51. The State Employees Pension Benefits Review Committee will continue to review the pension plan by using appropriate and accepted comparative analysis, including, but not limited to, the benefit structure of the various State pension systems for the purpose of evaluating current pension plan benefits and recommending changes.

The Committee membership will consist of the Chairman and the Vice Chairman of the Legislative Joint Finance Committee, one member of the Senate appointed by the President Pro Tem, one member of the House of Representatives appointed by the Speaker, three members appointed by the Chairman of the Board of Pension Trustees, one member of the Pension Advisory Council, the Pension Administrator, the State Personnel Director, the Budget Director, and the Controller General.

The Budget Office, the Controller General's Office, and the Pension Office shall provide the Committee with staff support and such other resources as the Committee may require.

The Committee shall report by April 1, 1992, to the Governor, the Speaker of the House of Representatives, and the President Pro Tempore of the Senate, its findings and recommendations.

Section 52. Whenever the annual valuation of the market value of the assets of the Special Pension Fund exceeds the actuarial value of benefits available to persons entitled to receive special pensions by a factor of at least 20%, the Board of Pension Trustees, in its sole discretion, may transfer the excess over 20% or any part of it to the State Employees Pension Fund for the benefit of that Fund.

Section 53. The Board of Pension Trustees may allocate the pension/health insurance monies received from the State during any month to ensure that funds are available to pay

health insurance premiums for retirees in each month.

Section 54. Section 1 of this Act makes an appropriation to the Office of the Budget - Contingency - One-Time Appropriations (10-02-04) for one-time items for DELJIS (10-07-02). At the request of the agency, these amounts may be transferred among the various items listed with the approval of the Budget Director and the Controller General.

OTHER ELECTIVE OFFICES

Section 55. Of the total positions authorized in Section 1 of this Act for the Auditor of Accounts (12-02-01), the position of Community Relations Officer shall be exempt from classified service.

Section 56. Section 1 of this Act reflects for the Auditor of Accounts (12-02-01) sufficient state-match funding for federally-mandated audit services. If during the first three months of Fiscal Year 1992, the State Auditor should experience a cash flow deficit in fulfillment of federal audit responsibilities, the Budget Director, upon the request of the State Auditor, shall attempt to advance sufficient funding from the Federal Audit Set-Aside or Indirect Cost Accounts.

Section 57. Section 1 of this Act contains an authorization to the Insurance Commissioner, Regulatory Activities (12-03-01) for three positions associated with the Bank and Trust Company Insurance Powers Act of 1989. These positions shall not be filled without approval of the Budget Director and Controller General.

Section 58. Section 1 of this Act provides a Special Fund appropriation of $1,217.6 to the State Treasurer, Administration (12-05-01) Cash Management Policy Board, authorized by Title 29, Chapter 27, Delaware Code, for the purpose of providing staff support and operational expenses, including payment of fees for banking services. The $1,217.6 in interest income on bank deposits shall be coded as Special Fund revenue to provide funds for operation of the Cash Management Policy Board.

Section 59. A sum of $3,300.0 is hereby advanced from the General Fund of the State to the State Treasurer, Administration (12-05-01) in order that monthly advance payments can be paid for Health Insurance. This advance is to be repaid by June 30, 1992.

Section 60. Upon being notified of the death of an individual receiving a pension under the plan for Retired and Disabled Teachers, the Budget Director shall transfer $3.0 from an existing contingency line item in the Office of the Budget Director to the State Treasurer, Administration (12-05-01), for the purpose of paying a death benefit of $3.0 to his/her designated beneficiary; or in the absence of a designated beneficiary, the amount shall be paid to the deceased pensioner's estate.

Section 61. Position number 1167 in the State Treasurer, Administration (12-05-01) Credit Union Manager, shall be deleted effective April 1, 1992. If the Credit Union Board wishes to hire a replacement Credit Union Manager prior to April 1, 1992, the position must be hired at the Credit Union's own expense and such hiring shall not require approval by the State Treasurer nor the State Personnel Office.

Section 62. Amend Title 29, Section 8307 (3) of the Delaware Code by deleting said paragraph.

Section 63. Amend Title 29, Section 5106 of the Delaware Code by striking the words "by and" as they appear between the words "managed" and "for" in sentence one of this section.

Section 64. Section 1 of this Act authorizes $219.6 for Expense of Issuing Bonds in the Office of the State Treasurer, Debt Management (12-05-03), for payment of expenses relating to the issuance of State Long-Term Debt. Disbursement from the Expense of Issuing Bonds fund shall not be made without the prior approval of the State Treasurer and the

Secretary of Finance.

Section 65. Amend Title 29, Chapter 52, Section 5202, Delaware Code, by adding two new Sections 5202(e) and (f) as follows:

"(e) If a regular officer or employee is required to pay any portion of the cost of the health care insurance for himself/herself, his/her spouse or his/her dependents, the regular officer or employee may enter into a written agreement with the State whereby he/she agrees to reduce his/her salary in an amount equal to the portion of the health care insurance that the regular officer or employee is required to pay."

"(f) The provisions of subsection (e) shall not be effective until implementation has been approved by the State Treasurer, Secretary of Finance, Budget Director, State Personnel Director and Controller General."

Section 66. Amend Title 29, Chapter 52, Section 5202, Delaware Code, by adding a new Section 5202(g) to read as follows:

"(g) Salary reductions voluntarily taken pursuant to section (e) above shall not affect the compensation used in the calculation of pension benefits under any State pension plan."

LEGAL

Section 67. Section 1 of this Act makes an appropriation to the Office of the Attorney General (15-01-01) for General Fund Salaries and Other Employment Costs. Funding for Salaries, and Other Employment Costs has been reduced to provide for the reduction of five General Fund positions in Fiscal Year 1992. As positions become vacant, the Attorney General must notify the Budget Director and Controller General of this occurrence, accompanied by a brief explanation of the position's function. The Budget Director and Controller General will either approve the elimination or continuance of the position in question. This process will continue until the Office of the Attorney General's position complement has been reduced by five positions. As each position is eliminated, the Office of the Attorney General's position complement will be reduced to reflect the loss of that position. These position reductions must be incurred so that the staffing ratio of Criminal Division positions to Civil Division positions, is approximately maintained at its current level. The Attorney General is required to submit to the Budget Director and Controller General by July 31, 1991, a report listing each General Fund position by classification, name, position number, and whether it is assigned to the Criminal or Civil Division. This listing must show the position assignments as of June 1, 1991. This information will be used to ensure that the June 1, 1991, staffing ratio is maintained once the five General Fund positions have been eliminated.

Section 68. Section 1 of this Act authorizes an appropriation for Contractual Services for the Office of Attorney General (15-01-01). Of this amount, $340.9 shall be used for the purpose of providing services covering family violence in New Castle County and $174.5 shall be used for the purpose of providing services covering family violence in Kent and Sussex Counties.

Section 69. Of the total Deputy Attorneys General authorized in Section 1 of this Act to the Office of Attorney General (15-01-01), two shall be assigned to the Family Court for service in Kent and Sussex counties. Additionally, one Special Fund Deputy Attorney General shall be assigned to the Family Court to be used to increase the existing staff assigned to prosecute Child Support Cases.

Section 70. The Industrial Accident Board of the Department of Labor shall be assigned two Deputy Attorneys General on a full-time basis. The two Deputy Attorneys General shall come from the existing complement of Deputy Attorneys General assigned to the Office of Attorney General (15-01-01), as authorized in Section 1 of this Act.

Section 71. Of the total Deputy Attorneys General authorized in Section 1 of this Act to the Office of the Attorney General (15-01-01), one half (.5) shall be assigned to the Foster Care Review Board.

Section 72. Section 1 of this Act provides an appropriation in Appropriated Special Funds and four positions to the Office of the Attorney General (15-01-01). Of this appropriation, $127.0 and three positions are for the purpose of operating a Securities Enforcement Division which will serve to aid the Securities Commissioner in the enhanced enforcement powers of investor protection statutes as outlined in House Bill No. 444 of the 135th General Assembly. To support the enhanced enforcement powers program, the Attorney General is authorized to collect and use revenues from the increased fees realized by House Bill No. 444 of the 135th General Assembly. The balance at the end of any fiscal year in excess of $100.0 collected from the fees and charges as outlined in House Bill No. 444 of the 135th General Assembly shall be deposited to the General Fund of the State of Delaware.

Section 73. Section 1 of this Act makes an appropriation to the Office of the Attorney General (15-01-01) in Appropriated Special Funds to support the proposed Securities Act Amendments of the 136th General Assembly. Upon passage of this legislation, the Attorney General is authorized to collect and use up to $100.0 in revenues realized from this legislation. All revenues in excess of $100.0 shall be deposited to the General Fund of the State of Delaware. For the purpose of strengthening the registration unit of the Securities Division, 2.0 ASF positions have been authorized. In the event that this legislation is not enacted into law by August 31, 1991, these 2.0 positions and the $100.0 in Appropriated Special Funds will be deauthorized.

Section 74. Section 1 of this Act makes an appropriation to the Office of the Attorney General (15-01-01) in Appropriated Special Funds to establish an Attorney General Opinion Fund. In order to carry out the mandate of Title 29, Chapter 25, Section 2504(2), Delaware Code, the Office of the Attorney General is authorized to publish and sell the opinions of the Attorney General and to deposit the proceeds of any sales in a special fund to be designated "Attorney General Opinion Fund." The Office of the Attorney General is hereby authorized to expend all monies deposited in such fund for any expense connected with the publishing or sale of opinions of the Attorney General. Copies of the published opinions will be distributed at no cost to the General Assembly, the Governor, and State Agencies. If at the end of the fiscal year, funds deposited in this fund exceed $15.0, the amount exceeding $15.0 shall be transferred from this fund to the General Fund.

Section 75. Section 1 of this Act authorizes positions and funding for Deputy Attorneys General in the Department of Health and Social Services. By cooperative agreement, the Department of Health and Social Services shall transfer all said positions and associated appropriations to the Office of the Attorney General. Said transfer shall be approved by the Delaware State Clearinghouse Committee. Henceforth, payment for services provided by the Attorney General will be appropriated directly to the Office of the Attorney General. In cases where federal or special funds provide part or whole payment therefore, the Attorney General will replace any other agency as the contracting party, or such agency receiving special or federal funds is hereby directed to transfer the amount of funds to support legal services to the Office of the Attorney General.

Section 76. During Fiscal Year 1992, the Secretary of Administrative Services is authorized to lease approximately 25,000 square feet of office space in Wilmington for the Probation and Parole function. Arrangements shall be made to move the Division of Youth Rehabilitation and the Unemployment Insurance Appeals Board from the 7th floor of the Carvel State Office Building to the space vacated by Probation and Parole or such other space to be occupied by the Office of the Attorney General.

Section 77. The Secretary of Administrative Services is authorized to lease adequate office space for the Office of the Attorney General in Sussex County.

STATE

Section 78. Section 1 of this Act provides an appropriation to the Department of State, Office of the Secretary, Delaware Commission on Veteran's Affairs (20-01-02), for Contractual Services. Of that amount, $28.8 shall be used to provide mental health

services for veterans in Kent and Sussex Counties.

Section 79. Section 1 of this Act includes the amount of $12.0 in Salaries & Wages (Casual & Seasonal) for grounds maintenance for Dickinson Mansion in the Department of State, Division of Historical & Cultural Affairs, Bureau of Museums and Historic Sites (20-06-04).

Section 80. The allocation of Fiscal Year 1992 microfilm services is based on approved agency service requests. These allocations are subject to change by the Bureau of Archives and Records Management (B/ARM) in the event of agency defaults in records preparation or other related developments during Fiscal Year 1992. Agencies may be added or deleted from the service authorization list based on the terms of their formal agreement with the B/ARM and subject to the Bureau's standard operating procedures.

Agency	Fiscal Year 1992 Projections GF	ASF
Legislative	2.6	
Judicial	76.2	
Executive		32.0
Other Elective Offices	58.2	
State	21.7	2.0
Finance	13.6	
Administrative Services		8.4
Health and Social Services	34.3	
Children, Youth and Their Families	12.5	
Correction	24.9	
Natural Resources and Environmental Control	15.5	
Public Safety	125.1	
Transportation	16.8	
Labor	4.3	
Fire Prevention Commission	21.0	
Public Education - School Districts	26.8	
Grand Total	$ 453.5	$ 42.4

Section 81. Section 1 of this Act provides an appropriation to the Department of State, Libraries (20-08-00), for library standards. Funds shall be paid to libraries in installments equal to 25 percent of the total amount allocated to that library, one installment each quarter of the fiscal year. In the event the library is entitled to $6.0 or less, the amount shall be paid on an annual basis. Funds granted to any library under the provisions of Title 29, Chapter 66, if unspent at the end of the fiscal year shall not revert to the General Fund, but instead shall be held in an account for the benefit of the library from which the unspent funds came. These funds may be spent in subsequent years for purposes described in Title 29, Chapter 66. The use of such carryover funds shall not be used as part of any subsequent years' formula payment.

FINANCE

Section 82. The Department of Finance, Office of the Secretary, is authorized to establish and maintain a special fund with the State Treasurer for the purposes of acquiring technology and payment of other costs incident to the implementation of computer systems at the Department of Finance. Deposits to the special fund shall be from the receipts escheated to the State. Deposits to the special fund shall not exceed $3 million.

Section 83. The Division of Revenue is authorized to establish and maintain a special fund with the State Treasurer for the purposes of contracting for the collection of delinquent State taxes. The contracts may provide for either or both: (a) collection or

assistance in collection of delinquent accounts from businesses or persons; and (b) audit of business taxables. Deposits to the special fund shall be from the collection of delinquent taxes under such contracts. Deposits which are not required to carry out the purposes described in this Section, which purpose shall be deemed to include recording of Division of Revenue judgments and warrants in the offices of clerks of various courts, shall be transferred by the Director of the Division of Revenue to the General Fund within 30 days from the end of each quarter of the calendar year. A detailed report on all expenditures from and collections to this special fund shall be sent annually to the Budget Director and the Controller General.

Section 84. The Department of Finance is hereby authorized to write-off interfund receivables/payables for the working capital advances from the General Fund which were authorized in prior years as follows:

Telephone Services	$1,357,200
Postage	120,000
Welfare Revolving Account	200,000
Total	$1,677,200

Section 85. The Director of the Division of Revenue shall have the authority to accept, on whatever terms and conditions he may establish by regulation, payment of delinquent taxes by credit card. Such authority shall include a determination not to accept such payments or to permit payment only for certain classes of taxes to be specified by the Director. The Director is authorized to enter into contracts for the processing of credit card payments and fees associated with such contract may be paid. Section 1 of this Act establishes an Appropriated Special Fund account "Credit Card Processing" from which fees and associated costs may be paid and into which tax remittances by credit cards may, at the discretion of the Director, be deposited. Unencumbered balances on June 30, 1992, in excess of $5.0 shall revert to the General Fund. Any transfer into this account shall be reversed prior to June 30, 1992. The Secretary of Finance shall submit to the Controller General a detailed statement of expenditures from the "Credit Card Processing" account and revenues generated as a result of credit card tax remittances. Said report shall be submitted for the fiscal year ending June 30, 1992, before January 1, 1993.

Section 86. The Director of the Division of Revenue shall have the authority to enter into agreements according to which contingency fees are provided to finders of property to be escheated to the State. When the Director deems it to be appropriate, he/she may enter into escrow, custodian, or similar agreements for the purpose of protecting the State's interest in property to be escheated or fees payable pursuant to the aforesaid agreements. The Director may direct that payment for said fees or other costs incident to escheat of property under the aforesaid agreements, including charges relating to receiving and processing remittances and reports by holders, and claims by owners of abandoned property as well as advertising under escheat laws and travel or litigation expenses incident to escheat administration be made out of such money held in the escrow, custodian or other account established under this paragraph. No account shall be used to pay for employees of the Division of Revenue. A semi-annual report of amounts in escrow or custodian accounts shall be furnished to the Budget Director and Controller General.

Section 87. The Division of Revenue (25-06-01) is authorized to require payment of fees for issuance of certificates or other documents reflecting the status of taxes, if any, owed by the taxpayer requesting such certificate. Payment of these fees shall be deemed to reduce the Contractual Services expenditures of the division and shall be recorded as expenditure-reducing items.

Section 88. (a) In the event that the gross sales of the State Lottery shall exceed the amount specified in Section 1 of this Act, the Appropriated Special Funds budget in Section 1 of this Act may be amended by the Secretary of Finance, the Controller General and the Budget Director; provided, the total operating budget for the fiscal year ending June 30, 1992, shall not exceed 20 percent of gross sales as limited by Title 29, Chapter

48, Delaware Code.

(b) The Appropriated Special Funds budget for the State Lottery Office (25-07-01) provides for the services of two resident auditors and additional audit services under the appropriation for Contractual Services. In addition to the duties of the two resident auditors, other duties shall be performed as assigned by the Secretary of Finance.

Section 89. The Delaware State Lottery Office shall transfer to the Department of Health & Social Services $95.0 from the State Lottery Fund during the first month of the fiscal year ending on June 30, 1992. Said $95.0 shall be accounted for within the portion of the gross amount received from ticket sales allowed for administration and operations expense allowed the State Lottery Office by Delaware Code, Title 29, §4814.

ADMINISTRATIVE SERVICES

Section 90. Section 1 of this Act appropriates special funds for the Office of the Public Advocate to perform studies consistent with the goals and objectives of the Public Utility Revolving Fund as defined in Title 26, Chapter 1, Delaware Code. The Budget Director, with concurrence of the Controller General, is authorized to transfer up to $135.3 from the Public Service Commission's Revolving Account (8600) to the Public Advocate's Appropriated Special Fund Account.

Section 91. All State agencies are directed to remit payment for services received by the Division of Support Operations (Mail/Courier Services, Telephone Services, and Graphics and Printing) within 30 days after receipt of invoice. Services may include postal metering, paper supplies, facsimile, printing, telephone, photocopiers, etc.

Section 92. All graphics and printing services for State agencies shall be obtained from the Division of Support Operations or, if appropriate, the Director of the Division of Support Operations may award a contract in accordance with Chapter 69 of Title 29 of the Delaware Code.

Section 93. All State agencies are directed to remit payment for Carvel Building Parking to the Department of Administrative Services, Office of Fleet Management, within 30 days after receipt of invoice.

Section 94. If a timely payment problem exists, the Department of Administrative Services may require all agencies and school districts paying telephone system payments through the Division of Support Operations (30-04-00) to make monthly estimated payments toward their telephone bills. The estimated payment is due within five working days of the beginning of each month. The estimated payment should equal the average of the last three months of actual reconciled payments; or payments based on a schedule established by the Division of Support Operations. The Division of Support Operations will continue to be responsible for the actual payments to the telephone companies and the reconciliation of accounts with the user agencies and school districts.

Section 95. The purchase of the Central Automated Publishing System in the Division of Support Operations, Graphics and Printing Internal Program Unit is subject to, and shall be approved by, the State Budget Office through its Data Processing, Development Projects, and procedures.

Section 96. With the exception of the custodial work associated with Legislative Hall and the Governor's Office, the Department of Administrative Services (30-00-00) may not hire any permanent, full-time custodial employees in any fiscal year without the approval of the Budget Director and the Controller General.

Section 97. The Department of Administrative Services will be responsible for developing standards for office furniture and equipment for the Carvel Building. These standards will establish specific classes of furniture and equipment for a given job classification and/or function and will be such as to allow the use of said furniture and equipment anywhere within the facility. Any State agency vacating or that will vacate

space in the Carvel Building, shall consult with the Department of Administrative Services and receive their approval prior to the vacating or removal of any office furniture and equipment.

Section 98. During Fiscal Year 1992, the Department of Administrative Services, Division of Facilities Management, Building Operations/Maintenance IPU (30-05-20) shall retain the rental fees as ASF for the building known as the Wilmington Public Building. The retained portion must be deposited as per State laws and shall be disbursed per Section 1 of this Act.

Section 99. (a) The Division of Purchasing, Department of Administrative Services (30-06-00) will distribute the Delaware Code Supplement copies per Title 1, Chapter 1 of the Delaware Code to the extent possible with the number of copies provided by the Code Revisors budget unit (01-08-03). Funding for additional copies will be the responsibility of the requesting agency.

(b) During Fiscal Year 1992, the Division of Purchasing (30-06-00) is required to purchase 22 complete sets of the Delaware Code at a sum not to exceed $13.5. Funding for additional copies will be the responsibility of the requesting agency.

Section 100. The sum of $299.9 has been withdrawn from the various heating oil using agencies, excluding the University of Delaware, in Section 1 of this Act for the purpose of entering into a contract or contracts to cap the price which the State will have to pay for numbers 2, 4, and 6 heating oils during the heating season of 1991/1992. The Division of Purchasing, 30-06-00, and the Budget Office, 10-02-01, will be responsible for negotiating the contract/s necessary to cap the State's heating oil prices at the most favorable advantage possible within the budgeted sum appropriated to the Division of Purchasing for this purpose. The Budget Office will be responsible for the collection of any funds that are due the State via the capping contract/s. The funds generated by the capping contract/s will be administered from a fund established in the Budget Office, to contract covered Agencies which use heating oils and have a demonstrated need for additional energy funds during fiscal 1992. Any funds remaining after the completion of the hedging contracts, with the exception of any remaining Department of Transportation funds, shall be transferred to the Energy Contingency Line in the Budget Office, 10-02-04. Any funds remaining at the end of the fiscal year will revert to the General Fund with the exception of contract or received funds for the portion of the contract related to the Department of Transportation. Any surplus contract funds or funds received for the Department of Transportation portion of the contract shall be returned to the Department of Transportation in a timely manner.

HEALTH AND SOCIAL SERVICES

Section 101. Several years ago, the State of Delaware developed a new Medicaid nursing home reimbursement method that established it as a leader among the states. Because the nursing home environment is changing and the needs of frail, elderly or disabled populations in nursing homes are increasing, the Secretary of Health and Social Services is instructed to perform a review, and to recommend any changes that might be necessary to ensure that the State pays adequately for the services required by our oldest, sickest and most dependent populations, while still promoting efficient operations by nursing homes. The Secretary's report shall contain alternatives for achieving this goal, and shall be submitted to the Budget Director and the Controller General by November 15, 1991.

Section 102. Results of investigations conducted by the Welfare Fraud Unit concerning any and all public welfare programs administered by the Department of Health and Social Services that indicate possible error or fraud shall be transmitted to the Office of the Attorney General directly by the Secretary of the Department of Health and Social Services without approval by any other authority. The Office of the Attorney General shall prosecute those cases deemed actionable and return the rest to the Department of Health and Social Services for collection of overpayment. The Secretary of the Department of Health and Social Services shall file a quarterly report directly with the Budget Director, the Controller General, the Director of Research of Legislative Council, members of the Joint

Finance Committee, and the Chairmen of the House and Senate Committees on Health and Social Services by the twentieth day of the next month after the end of a quarter, which report shall not be subject to prior review by any other authority.

Section 103. The Secretary of the Department of Health and Social Services (35-01-10), shall submit a report to the Budget Director and the Controller General as to the status of the nursing shortage in the department. This report shall be made February 1, 1992, for the period ending December 31, 1991.

Section 104. Temporary, casual and seasonal RN's and LPN's in the Department of Health and Social Services may be allowed to work more than 130 working days in a fiscal year upon the approval of the department secretary. These positions shall not be considered positions of a continuing nature or regular employment.

Section 105. The sum of $170.0 is hereby advanced from the General Fund of the State to the Business Administration IPU (35-01-20), in order that the Public Welfare Revolving Fund emergency checks can be paid on a timely basis and without interruption.

Section 106. The Secretary of the Department of Health and Social Services shall annually issue a report to the Budget Director and Controller General on what the Health Care Cost Containment Program has accomplished relative to containing health care costs.

Section 107. Amend Title 29, Chapter 64, Delaware Code, by adding thereto a new Section 6436 to read as follows:

"Section 1 of the Budget Appropriation Bill provides an appropriation in Appropriated Special Funds and three positions in Health Planning (35-01-30) for the purpose of operating a Delaware Health Statistics Program which would collect, maintain and analyze health-related data to assist the health community in planning, administering and evaluating the quality, quantity and appropriate combination of health services.

Revenues for the purpose of funding this program shall be derived from the sale of copies of vital statistics records for birth, death and marriage certificates and shall be deposited in a holding account. In February 1986, the Board of Health, under a separate provision, raised the fee for such records. Notwithstanding the provisions of Title 29, Section 6102 and Title 16, Section 3137, Delaware Code, the Internal Program Unit shall be allowed to retain and expend only the portion of the fee above the amount of $2.50 per copy up to the appropriation limit. The balance shall continue to be deposited to the General Fund."

Section 108. Section 1 of this Act makes an appropriation to the Department of Health and Social Services; Administration; Planning, Research & Evaluation (35-01-40). Included in the total amount appropriated is 4.0 full-time equivalent (FTE) staff positions; 2.0 General Fund (GF) and 2.0 Non-Appropriated Special Fund (NSF) FTE staff positions.

These 4.0 FTE positions shall be used to fill 2.0 FTE positions in the following manner. Payroll for these 2.0 FTE positions shall be coded to NSF for the first quarter of the fiscal year ending June 30, 1992. In the event that a federal grant award is secured for the purpose of furthering planning, development, and/or direct service provision in this area, payroll shall continue to be coded to NSF for these 2.0 FTE positions for the remainder of the fiscal year ending June 30, 1992, and the 2.0 FTE GF positions shall be maintained as vacancies or terminated via Delaware State Clearinghouse Committee action. Should such a grant award not be secured, payroll may be coded to GF for these 2.0 FTE positions for the remainder of the fiscal year ending June 30, 1992, and the 2.0 FTE NSF positions shall be maintained as vacancies or terminated via Delaware State Clearinghouse Committee action. These positions shall be exempted from classified service until such time as the positions become vacant after the term of the employees who are currently serving the functions of these posts, as described below. When one of these positions does become vacant after the term of one of the employees who is currently serving the function of one of these posts, as described below, the position shall be placed in the merit system and classified based upon a Position Classification Questionnaire (PCQ) approved by the Secretary of Health and Social Services.

The sole responsibilities of the staff member filling the first position shall be the planning and development of programmatic and budgetary recommendations associated with participation in the Infants and Toddlers Program identified in Public Law 99-457, Part H. Such recommendations shall be in a form that may be generalized to programming of similar substance and intent as the federal Infants and Toddlers Program, though not associated with participation in the explicit provisions of Public Law 99-457, Part H. The sole responsibilities of the staff member filling the second position shall be project data coordination in support of the first position.

In the event that successful application is made for a federal grant for the purpose of furthering planning, development, and/or direct service provision in this area, such grant award may only be accepted on the condition that:

1) The State does not become obligated to offer services in accordance with Public Law 99-457, Part H for more than the period of time in which the State participates in any such grant award or

2) Until the Governor and the General Assembly agree that the following information on the program has been provided and accepted:

a. A definition of the children to be served;

b. How many children there are, by type and location;

c. What services these children are receiving and by what agency;

d. What required services are not being provided these children;

e. Which agency will provide these services and what resources will be required to provide these services.

Section 109. The Division of Public Health currently operates the following programs for which a fee for service is charged to cover the cost of the program:

Handicapped Children
Maternal and Child Health Services
Family Planning Services
Medicare Occupational/Physical Therapy
Public Water Systems Program
Home Health Care:
- Aides
- In-House Supplies
- Outside Supplies
- Skilled Nursing

Speech Therapy
Radon Testing
Summer Food Inspection
Casual/Seasonal Nursing Services
Case Management for High Risk Pregnancies
Vaccines

Notwithstanding the provisions of Title 29, Section 6102, Delaware Code, the Division shall be allowed to collect and expend fees from the aforementioned accounts except as noted below. Corresponding Appropriated Special Fund spending authority has been provided in Section 1 of this Act.

The Handicapped Children (Appropriation 8610) and Maternal and Child Health Services (Appropriation 8611) programs shall continue to deposit 30 percent and 56 percent, respectively, of program collections to the General Fund. The Public Water Systems Program shall be allowed to collect and expend $39.9 for one clerk and related costs to improve the

Division's revenue collection efforts.

Section 110. Section 1 of this Act includes an appropriation to Public Health, Community Health (35-05-02) for Contractual Services. Of that amount, $137.1 shall be used for the purpose of providing school nursing services three days a week to non-public schools in New Castle County.

The Secretary of the Department of Health and Social Services will ensure that the contracts with the various schools in this program are executed no later than August 15 of each year. The Secretary will also ensure that timely payments are made to all contractors.

Section 111. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Public Health, Community Health (35-05-02), in the line item "Office of Narcotics and Dangerous Drugs" in the amount of $20.0. This amount shall be used at the discretion of the Drug Control Administrator.

Section 112. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Division of Public Health, Community Health (35-05-02) for "Renal Disease". Of that amount, $33.0 represents an increase over Fiscal Year 1991. Of that increase, $23.0 shall be used to place an additional 23 patients who qualify for benefits, $10.0 will be used to provide continuing coverage for drugs to patients having had a kidney transplant.

Section 113. During fiscal year ending June 30, 1992, the Budget Director and Controller General shall review the Restructuring Plan for the Department of Health & Social Services, Division of Public Health, and make recommendations concerning the proposed plan to the Joint Finance Committee for final disposition. The Budget Director and Controller General will review the Restructuring Plan only after the State Personnel Office has reviewed and approved the personnel classifications of all staff affected by the plan.

Section 114. The Department of Health and Social Services, Administration, Office of the Secretary, (35-01-10), Young Adult Mental Health Program will be restructured during Fiscal Year 1992. A group home ($364.0) will be established in the community to serve ten individuals residentially. A case management team ($510.0) will be created to serve a minimum of 40 clients, ten of which will be located in the above group home. The amount of $175.0 is anticipated from the Federal Medicaid Program and Client Fees (SSI funds, etc.). The remaining $132.0 will maintain current case management services to 100 clients due to a reduction in Federal funding.

The restructured Young Adult Mental Health Program shall serve individuals that are "Rare and Complex", age and program appropriate that have been recommended by the Department of Public Instruction with the concurrence of the Director of the Division of Alcoholism, Drug Abuse and Mental Health. Department of Public Instruction individuals currently in the program shall continue to receive appropriate level of services under the restructured program.

The Secretary of the Department of Health & Social Services shall provide a detailed report to the Joint Finance Committee concerning the status of this initiative as of February 1, 1992.

Section 115. Section 1 of this Act provides an appropriation to the Department of Health & Social Services, Alcoholism, Drug Abuse & Mental Health, Inpatient Mental Health (35-06-30), for Contractual Services. Of that amount, $41.2 shall be made available for a Nurse Intern Program. Such program will enable graduate nurses to take graduate courses to increase their skills in specialty areas.

It is understood that participants in this program will provide clinical services with compensation to Delaware State Hospital during the duration of their graduate level education. It is further understood that these individuals shall remain in the employ of Delaware State Hospital for a minimum of one year after graduation or reimburse the State for any and all tuition received.

Section 116. Section 1 of this Act provides funds for a Dietitian position in the

Inpatient Mental Health (35-06-30). The purpose of this position is to allow the IPU to provide services by a registered Dietitian as required for certification. This position shall also provide dietitian services to the Terry Children's Psychiatric Center.

Section 117. Section 1 of this Act includes funding for a Pharmacy contract in the Inpatient Mental Health (35-06-30). This contract shall continue to provide once a month drug inspections of the Terry Children's Psychiatric Center.

Section 118. Inpatient Mental Health maintains appropriation accounts 35-06-30-86-06 and 86-08 to receive reimbursement for providing a work study program for local nursing schools and for assigning residents to work at the Medical Center of Delaware on a rotating basis, respectively. Notwithstanding the provisions of Title 29, Section 6102, of the Delaware Code, the Division shall be allowed to collect and expend the proceeds from the aforementioned accounts.

Section 119. Section 1 of this Act provides an appropriation to the Department of Health & Social Services, Alcoholism, Drug Abuse & Mental Health, Alcoholism & Drug Abuse (35-06-40) in Contractual Services. In addition to this General Fund appropriation, the Director of the Division of Alcoholism, Drug Abuse & Mental Health, shall insure that the amount of $25.0 be expended from available Federal Funds to contract for employment, alcohol, and drug counseling and referral services for youth and adults to encourage an alcohol and drug-free environment in South Wilmington.

Section 120. Section 1 of this Act provides an appropriated Special Fund Appropriation for Contractual Services in the Department of Health and Social Services, Division of Alcoholism, Drug Abuse and Mental Health, Alcoholism and Drug Abuse (35-06-40). Of that amount, $95.0 shall be used to contract for the treatment and counseling for those Delawareans with gambling problems. These funds were transferred from the Delaware State Lottery Office out of the State Lottery Fund pursuant to Section 89 of this Act.

Section 121. (a) The amount appropriated by Section 1 of this Act to the Department of Health and Social Services for Title XIX Federal Programs (Medicaid) - Other than State Institutions shall be expended solely in accordance with the following conditions and limitations:

(i) This appropriation shall be used for the purpose of continuing the program of medical assistance provided for within the State Plan under Title XIX of the Social Security Act and the requirement of Section 121(a) of P.L. 89-97 enacted by the Congress of the United States and commonly known as Title XIX of the Social Security Act;

(ii) The State Plan of Medical Care to be carried out by the Department of Health and Social Services shall meet the requirement for Federal Financial Participation under the aforementioned Title XIX, and the sums expended by the department pursuant to this Act shall be limited to:

(1) Inpatient hospital services
(2) Outpatient hospital services
(3) Rural health clinics services
(4) Laboratory and X-ray services
(5) Skilled nursing facility services
(6) Early and periodic screening, diagnosis, and treatment services
(7) Family planning services
(8) Physician services
(9) Home health services
(10) Other licensed practitioners with limitations
(11) Clinic services
(12) Prescribed drugs with limitations

(13) Services for individuals, age 65 or older, in institutions for mental disease
(14) Intermediate care facility services
(15) Emergency hospital services
(16) Transportation
(17) Co-insurance and deductibles for Title XVIII/and Title XIX recipients
(18) Limited services in the following areas:
(a) Prosthetic devices
(b) Diagnostic services, as defined in 42 CFR §440, Sub-part A and as limited by the Medicaid State Plan
(19) Private duty nursing services with limitations
(20) Nurse-midwife services
(21) Services provided to eligible individuals in the home or community offered under a federal waiver pursuant to Section 2176 of the Omnibus Budget Reconciliation Act of 1981, as an alternative to institutionalization, including but not limited to:
(a) Case management
(b) Clinical support
(c) Day habilitation
(d) Residential habilitation
(e) Respite care
(f) Homemaker services
(g) Adult and medical day care
(h) Emergency response systems
(i) Medical equipment, supplies and appliances
(22) Services provided to pregnant women and infants up to 160 percent of the federal poverty level; children up to the age of six up to 133 percent of the poverty level; and children up to the age of nine up to 100 percent of the federal poverty level shall be eligible to receive Medicaid Services in accordance with federal regulations.
(23) Services to eligible special needs children who are receiving an adoption subsidy from the Department of Services for Children, Youth and Their Families and children who from birth are placed with private agencies for the purpose of adoption. Medicaid coverage will be from the date of birth until the child is placed with the prospective adoptive parent(s).
(24) Hospice services
(25) Extended services for pregnant women
(26) Medicare premiums
(27) Optional Medicaid Services-Rehabilitative Services
(28) Additional services provided to eligible individuals, in the home or community, offered under an AIDS waiver as an alternative to institutionalization including:
(a) routine dental services for adults,
(b) intensive supervision and supplemental payment for children and adults in foster care,
(c) private duty nursing,
(d) mental health services.
(29) Other medical or remedial care recognized under State Law, that is identified as medically necessary for individuals under age 21 through the Early and Periodic Screening Diagnosis and Treatment (EPSDT) Program, within limitations defined by the state's Medicaid Program.

(b) The amount appropriated by Section 1 of this Act to the Department of Health and Social Services for Title XIX - State Institutions shall be expended solely in accordance with the following conditions and limitations:

(i) Such appropriation shall be expended for the purpose of providing medical services to patients eligible under the federal Title XIX Medicaid Program residing in various facilities of, or under the jurisdiction of, the Department of Health and Social Services;

(ii) An amount, subject to approval by the Budget Director, may be expended by the Department of Health and Social Services for administrative costs involved in carrying out the purpose of this Section; and

(iii) The funds hereby appropriated shall be expended only on condition that the program is approved and federal matching funds are provided by the appropriate federal agency.

(c) Patients who reside in skilled care nursing homes, intermediate care nursing homes, or State facilities and who receive services covered by the Medicaid Program shall be eligible for Medicaid if their income is no more than 210 percent of the federal Supplemental Security Income (SSI) monthly payment standard and if they meet other eligibility requirements. Funds appropriated to the Department of Health and Social Services for Title XIX are sufficient to pay the state's share of Medicaid costs for such patients.

(d) Certain disabled children, age 18 or under, who are living at home, who would otherwise be eligible, if they were in a medical institution, for SSI or a State supplemental payment under Title XVI of the Social Security Act and, therefore, for Medicaid under the State Plan.

(e) Qualified Medicare Beneficiaries (QMBs) with incomes less than 100 percent of the federal non-farm poverty limit and resources less than two times the SSI resource limits are eligible only for Medicare premiums and Title XVIII coinsurance and deductibles.

Section 122. Section 1 of this Act makes an appropriation to the Department of Health and Social Services, Division of Social Services (35-07-01). Of the total appropriation, an amount of $18.4 shall be allocated for supplies and an amount of $1.8 shall be allocated for in-State travel associated with the Children's Services Cost Recovery Project.

In addition, an appropriation of 4.0 new General Fund and 4.0 new Non-Appropriated Special Fund full-time equivalent (FTE) positions is made for this purpose. This staff shall be allocated among the following split-funded positions: 1.0 FTE Senior Social Services Administrator, 1.0 FTE Fiscal Management Analyst, 2.0 FTE Quality Assurance/Provider Compliance, 1.0 FTE Medicaid Services Nurse, 1.0 Internal Auditor II, and 2.0 FTE Third Party Liability Analysts. As their primary responsibilities for the fiscal year ending June 30, 1992, these employees shall be dedicated to administering implementation of the Children's Services Cost Recovery Project via the Early and Periodic Screening, Diagnosis and Treatment Program. In addition, these employees may plan, develop and administer the Early and Periodic Screening, Diagnosis and Treatment Program.

The appropriated funds for supplies and in-state travel pursuant to this section shall be dedicated to fulfilling the intent of this section.

Section 123. Section 1 of this Act provides an appropriation for Contractual Services to the Department of Health and Social Services, Mental Retardation, Institutional Services (35-11-20). Of that amount, up to $10.0 shall be available for services provided by Camp Barnes.

Section 124. Section 1 of this Act provides an appropriation to the Department of Health and Social Services, Mental Retardation, Community Services (35-11-30), for Contractual Services to reimburse facilities to provide sheltered workshop services to clients while they are actively attending sheltered workshop programs. The Director of Mental Retardation shall submit a report detailing the various cost components of each facility's per diem to the Budget Director and the Controller General no later than December 1, 1991. The Director of Mental Retardation shall ensure that only reasonable and appropriate cost items shall be included in each facility's per diem. The reimbursement shall not in the aggregate exceed the appropriation amount in Fiscal Year 1992.

The Division is encouraged, where appropriate, to provide supported employment opportunities for these clients within the appropriation limit.

Section 125. The Division of Mental Retardation, Stockley Center IPU receives a federal reimbursement for the purchase of wheelchairs. Notwithstanding the provisions of Title 29, Section 6102, Delaware Code, the Division shall be allowed to collect and deposit the federal reimbursement into an Appropriated Special Fund account entitled "Wheelchair Reimbursement". The account shall be used as a revolving fund to purchase additional wheelchairs.

Section 126. In Fiscal Year 1992, the Budget Director and the Controller General will review Phase I of the Stockley Center Reorganization Plan. No implementation of the Phase I Reorganization shall take place without the approval of the Budget Director and the Controller General.

Section 127. The Division of State Service Centers, Family Support Services, maintains appropriation accounts (35-12-10-80-00) and (35-12-10-80-02) for the purposes of lending car seats to families who cannot afford to buy them and to publish a Human Services Directory, respectively.

Section 128. The Division of State Service Centers, Service Center Management IPU (35-12-20), currently operates 12 facilities throughout the State for which a Tenant User Fee for service is charged to partially offset the cost of Service Center Operations. The holding account for this function is entitled "Facility Reimbursement".

Notwithstanding the provisions of Title 29, Section 6102, Delaware Code, the Division shall be allowed to collect and deposit to the aforementioned accounts. Corresponding Appropriated Special Fund spending authority has been provided in Section 1 of this Act.

Section 129. Community Services (35-12-30) is charged with the support of the Council on Hispanic Affairs. Members of the Council on Hispanic Affairs shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties.

Section 130. If at any time during the fiscal year ending June 30, 1992, there should be a temporary delay in receiving federal funds to start up the Low Income Energy Assistance Program (LIHEAP) within the Department of Health and Social Services, Community Services (35-12-30), such funds as may be required to assure initial awards to eligible households receiving energy assistance shall be advanced from the oil overcharge funds approved by the Delaware State Clearinghouse Committee for the Weatherization Program. The Department of Health and Social Services, Community Services (35-12-30), shall promptly reimburse the oil overcharge fund upon receipt of the federal funds.

Section 131. Section 1 of this act makes an appropriation to the Department of Health and Social Services, Community Services (35-12-30), for emergency assistance. Some of this appropriation may be used for programs of longer than 30 days duration.

Section 132. The positions of Director - Community Services and Director - Volunteer Services transferred to the Department of Health and Social Services, State Service Centers from the Department of Community Affairs shall remain exempt from classified service until such time as the position(s) becomes vacant.

Section 133. Section 1 of this Act provides an appropriation for Contractual Services in the Department of Health & Social Services, Division of Aging (35-14-01). Of that amount, $25.0 shall be used to provide a nautilus program.

CHILDREN, YOUTH AND THEIR FAMILIES

Section 134. The Secretary of the Department of Services for Children, Youth and Their Families shall keep the Budget Director and Controller General well informed on a quarterly basis about any and all developments relating to the possible sale of any portion of the

Ferris School property and any and all developments relating to the possible new use or sale of any portion of the Woods Haven-Kruse property.

Section 135. Funds which are appropriated for foster care of children in Section 1 of this Act in the Department of Services for Children, Youth and Their Families, Division of Child Protective Services (37-02-00), are made available with the goal of limiting the number of children who remain in foster care for more than two years. For the year beginning October 1, 1991, the goal will be 157 children. This goal statement is intended to satisfy the requirements of the Federal Adoption Assistance and Child Welfare Act (P.L. 96-272).

Section 136. The Division of Child Protective Services is hereby directed to formally notify, in advance, the Foster Care Review Board of any meeting, hearing or other event of which the Board desires notification. Said notification shall be directed to the Executive Director of the Board.

Section 137. Section 1 of this Act provides an appropriation for contractual services in the Department of Services for Children, Youth and Their Families, Division of Child Protective Services (37-02-00). Of that amount, $791.0 shall be used to provide Statewide emergency shelter services. In addition, $19.4 shall be made available from federal funds for a total of $810.4. These shelter services shall be contracted on a "cost reimbursement basis" similar to Fiscal Year 1991.

Section 138. Section 1 of this Act makes an appropriation to the Department of Services for Children, Youth and Their Families, Division of Child Mental Health Services (37-03-40). Of the total appropriation, an amount of $4.6 shall be allocated for supplies associated with the Children's Services Cost Recovery Project.

In addition, an appropriation of 1.0 new General Fund full-time equivalent (FTE) position is made for Quality Assurance Field Worker. The sole responsibility for this position for the fiscal year ending June 30, 1992, shall be administering implementation of the Children's Services Cost Recovery Project.

Section 139. The Secretary of the Department of Services for Children, Youth and Their Families shall certify to the Governor and the General Assembly that the mixing of adjudicated and non-adjudicated youths shall not take place in Ferris School.

Section 140. Temporary, casual and seasonal Youth Care Workers, Senior Youth Care Workers, Youth Care Worker Cooks, Cooks and Recreational Aides at the Ferris School, New Castle County Detention Center and the Stevenson House may be allowed to work more than 130 working days in a fiscal year upon approval of the Secretary of the Department of Services for Children, Youth and Their Families. These positions shall not be considered positions of a continuing nature or regular employment.

Section 141. Section 1 of this Act makes an appropriation to the Department of Children, Youth and Their Families, Division of Youth Rehabilitative Services (37-05-50). Of the total appropriation, $7.6 shall be allocated for personnel costs for two months funding for the Director, New Castle County Detention facility (1.0 FTE) and one month funding for a Maintenance Worker (1.0 FTE). This will allow these positions to be hired prior to the opening of that facility in Fiscal Year 1993. It is planned that the additional positions required to staff the facility will be hired prior to the opening of the facility in Fiscal Year 1993. Funding for these additional positions will be included in the Fiscal Year 1993 appropriation for this department.

CORRECTION

Section 142. Section 1 of this Act includes funding for five positions for an Internal Affairs Unit in the Department of Correction, Office of the Commissioner (38-01-01). The Internal Affairs Investigator positions must have at least ten years of investigative experience and are to be classified as exempt positions. Merit Rule 7.0111 (Recruitment) shall not apply to these positions.

Section 143. The Commissioner of the Department of Correction shall keep the Budget Director and Controller General informed, on a timely basis, about any and all plans relating to the use or sale of any portion of the Woods Haven-Kruse property.

Section 144. Section 1 of this Act provides an appropriation for Personnel Costs to the Department of Correction - Office of the Commissioner (38-01-01). Of the total amount appropriated, $15.0 shall be used to employ an Attorney on a casual and seasonal basis to oversee the para-legal staff assigned to the Department of Correction - Education (38-01-70).

Section 145. Section 1 of this Act provides an appropriation to the Department of Correction, Medical Services (38-01-30). Administration of the Medical Services contract shall be the responsibility of the Chief of Administration under the supervision of the Commissioner of Correction.

Section 146. Section 1 of this Act provides an appropriation to the Department of Correction, Administration - Medical Services (38-01-30). None of these funds may be transferred and any funds remaining unexpended or unencumbered on June 30, 1992, shall revert to the General Fund of the State of Delaware.

Section 147. The Department of Correction, Facilities Maintenance, (38-01-40) receives funding for maintenance and restoration projects in the Budget Act and the Capital Improvements Act. The Department must submit a quarterly report to the Budget Director and Controller General beginning July 31, 1991, detailing the expenditure of such funds and the respective projects. The department shall submit a preliminary plan for maintenance projects for Fiscal Year 1993 by October 30, 1991, to the Budget Director and Controller General.

Section 148. In addition to the positions authorized in Section 1 of this Act for the Department of Correction (38-00-00), additional positions are authorized in Personnel Staff Training (38-01-02) for the purpose of training classes. During the training sessions, up to 30 positions will be made available to accommodate the class being trained.

Funding is authorized to seed the first-time use of these 30 positions. In order to utilize these positions after the first time use, the department will use salary savings realized throughout the year.

Section 149. Section 1 of this Act includes funding for relief positions in the Staff Training Section, Office of the Commissioner of the Department of Correction (38-01-01). These positions shall be used for training relief only.

Section 150. Section 1 of this Act appropriates the sum of $15.0 in "gate money" or "release money" to the Department of Correction, Prisons - Office of the Bureau Chief (38-04-01). The General Assembly intends that these funds be used for inmates, who upon their release, are financially unable to obtain transportation away from the facility. The funds thus appropriated shall be used for the express purpose of providing cash payments to eligible inmates being released from an adult correctional facility and shall be expended as follows:

(a) Upon release, a prisoner who within 30 days prior to release has $50.00 or more in his/her inmate account or accounts shall not be eligible for such payment, but shall be paid in cash the amount in his/her inmate account or accounts.

(b) Upon release, a prisoner who has less than $50.00 in his/her inmate account or accounts shall be paid in cash the amount remaining in his/her account or accounts and may be paid an additional sum sufficient to ensure transportation to his/her place of residence. Such sum sufficient, together with the funds available in the inmate account, shall not exceed $50.00.

(c) Any prisoner who, after using option (a) or (b) of said Section, has insufficient

funds to provide a one-way bus ticket to his/her place of residence, shall forfeit all such funds and shall be provided with a one-way bus ticket to his/her place of residence, as well as sufficient funding to provide food during travel.

Section 151. (a) Of the total positions authorized in Section 1 of this Act for the Morris Correctional Institution (38-04-07), three positions shall be used to continue the existing highway beautification project.

(b) Of the total positions authorized in Section 1 of this Act for the Delaware Correctional Center (38-04-03), four positions shall be used to continue the existing highway beautification project.

(c) Of the total positions authorized in Section 1 of this Act for the Sussex Correctional Institution (38-04-04), four positions shall be used for a highway beautification project.

Section 152. Section 1 of this Act makes an appropriation for Contractual Services to the Department of Correction, Morris Correctional Institution (38-04-07). Of this amount, $5.0 shall be used for "tipping" fees.

Section 153. Section 1 of this Act makes an appropriation of $915.0 to the Department of Correction - Community Custody & Supervision - Office of the Bureau Chief (38-06-01) for various drug and alcohol treatment programs.

The Secretary of Health & Social Services and the Commissioner of Correction, or their designees, shall jointly participate in developing the appropriate Request for Proposals (RFP's) for contract services to provide drug and alcohol treatment. Further, each department shall jointly participate in a Screening & Evaluation Team to determine levels of service required for each referral, as well as periodic review of all referrals. All selected contract providers shall report on a regular basis to the Department of Correction on any and all follow-up regarding referrals to the various support programs.

NATURAL RESOURCES AND ENVIRONMENTAL CONTROL

Section 154. (a) Of the funds appropriated in Section 1 of this Act to Department Management, Department of Natural Resources and Environmental Control (40-01-01), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

4.0 ASF	Personnel Costs	$112.1

(b) Of the funds appropriated in Section 1 of this Act to Wildlife/Fisheries, Department of Natural Resources and Environmental Control (40-05-02), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

Contractual Services	$ 50.0
Capital Outlay	400.0
	$450.0

(c) Of the funds appropriated in Section 1 of this Act to Fish & Wildlife Enforcement, Department of Natural Resources and Environmental Control (40-05-06), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

3.0 ASF	Personnel Costs	$ 82.2
	Travel	2.0
	Contractual Services	18.0
	Supplies	51.2
	Capital Outlay	223.7
		$377.1

(d) Of the funds appropriated in Section 1 of this Act to Management & Support - Water Resources, Department of Natural Resources and Environmental Control (40-08-01), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

1.0 ASF	Personnel Costs	$ 74.1

	Travel	5.6
	Contractual Services	138.0
	Supplies and Materials	5.6
		$223.3

(e) Of the funds appropriated in Section 1 of this Act to Water Resources Technical Services, Department of Natural Resources and Environmental Control (40-08-02), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

2.0 ASF	Personnel Costs	$146.2
	Contractual Services	20.0
	Capital Outlay	105.9
		$272.1

(f) Of the funds appropriated in Section 1 of this Act to Planning & Support, Department of Natural Resources and Environmental Control (40-08-03), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

4.0 ASF	Personnel Costs	$114.3
	Travel	2.5
	Contractual Services	15.0
		$131.8

(g) Of the funds appropriated in Section 1 of this Act to Surface Water Management, Department of Natural Resources and Environmental Control (40-08-04), the General Fund amounts will be transferred to the Budget Office (10-02-04) Salary and ERO Termination if legislation to increase fees or various permits is not enacted into law. The amounts are as follows:

	Contractual Services	$527.8

(h) Of the funds appropriated in Section 1 of this Act to Surface Water Management, Department of Natural Resources and Environmental Control (40-08-04), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

11.0 ASF	Personnel Costs	$579.6
	Travel	4.0
	Supplies and Materials	4.0
		$587.6

(i) Of the funds appropriated in Section 1 of this Act to Ground Water Management, Department of Natural Resources and Environmental Control (40-08-05), the General Fund amounts will be transferred to the Budget Office (10-02-04) Salary and ERO Termination if legislation to increase fees or various permits is not enacted into law. The amounts are as follows:

	Contractual Services	$72.2

(j) Of the funds appropriated in Section 1 of this Act to Ground Water Management, Department of Natural Resources and Environmental Control (40-08-05), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

7.0 ASF	Personnel Costs	$201.0
	Contractual Services	5.0
		$206.0

(k) Of the funds appropriated in Section 1 of this Act to Management & Support - Air & Waste, Department of Natural Resources and Environmental Control (40-09-01), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

	Contractual Services	$15.5
	Capital Outlay	8.0
		$23.5

(l) Of the funds appropriated in Section 1 of this Act to Air Resources, Department of Natural Resources and Environmental Control (40-09-02), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

	Capital Outlay	$29.6

(m) Of the funds appropriated in Section 1 of this Act to Waste Management, Department

of Natural Resources and Environmental Control (40-09-03), the Appropriated Special Fund amounts will be reduced if legislation to increase fees or various permits is not enacted into law. The reductions are as follows:

4.0 ASF	Personnel Costs	$252.9
	Travel	7.0
	Contractual Services	61.9
	Supplies and Materials	8.0
	Capital Outlay	14.9
		$344.7

(n) The Budget Director shall make required adjustments contained in this section by August 1, 1991. A copy of the revised General Fund and Appropriated Special Fund budget, including revised personnel strength, shall be forwarded to the Department of Natural Resources and Environmental Control and the Office of the Controller General by August 5, 1991.

Section 155. Section 1 of this Act provides an appropriation to the Special Programs, Parks and Recreation, Department of Natural Resources and Environmental Control (40-06-03), for Contractual Services. Of that amount, $5.0 shall be used to provide primitive camping services in State Parks for non-profit youth organizations.

Section 156. During Fiscal Year 1989, the Water Resources Technical Services IPU (40-08-02), was granted a loan from the Fiscal Year 1987 Superfund account for the purpose of achieving the earliest possible federal Environmental Protection Agency certification of its lab for Superfund site testing purposes. As stated in Volume 66, Chapter 303, Section 245 of the Laws of Delaware, the loan repayment will be made as ASF into a Department Management IPU holding account specific to the purpose of receiving the loan repayments. The Department Management IPU will be responsible for insuring the loan repayment and that expenditures from the ASF Superfund account are for Superfund purposes. The loan repayment must be completed by June 30, 1992.

PUBLIC SAFETY

Section 157. Amend Title 29, Chapter 49, Section 4902(a) of the Delaware Code by deleting the words "shall have a Deputy Coordinator and".

Section 158. Section 1 of this Act makes an appropriation to the Division of State Police, Executive IPU (45-06-01). Included in this budget are funds for implementation of a Career Development Program. Any adjustment received under this program will be added to base compensation and will be included to determine retirement benefits.

Section 159. The Division of State Police receives funds resulting from drug and other seizure activities. If the seizure is defined as being under federal jurisdiction, then the funds flow to State Police - Executive (45-06-01) as non-appropriated Special Funds. A Quarterly Report as to the expenditure of such funds and to the respective projects shall be submitted to the Budget Director and the Controller General, beginning September 30, 1991. Before submission of the initial Quarterly Report, the Division of State Police must have the format of this report approved by the Budget Director and the Controller General.

Section 160. The positions in the Office of the Secretary, Highway Safety (45-01-40) transferred to State Police, Highway Safety (45-06-13) shall remain in the classified service until such time as a vacancy occurs. When a vacancy occurs, the position(s) shall be made exempt from the classified service and shall be given a merit system comparability in accordance with Section 11 of this Act.

Section 161. Request the Division of Licenses, Taxes & Registration to develop a plan for opening and operating the vehicle inspection lanes on the optimum days of the week to meet the needs of the public. Included in the plan shall be the steps necessary to be taken to renegotiate union contracts, a time frame for implementation, and any other changes that may be required to begin optimum service to the public.

TRANSPORTATION

Section 162. All State agencies are directed to remit payment for services rendered by the Department of Transportation within (30) days after receipt of invoice. Services may include fuel billing, sign manufacturing, photocopies, specialized transit services, etc. Partial payments or estimated payments will not be permitted.

Section 163. All monies received by the Division of Highways during the fiscal year as reimbursement for motor fuel and oil supplied to other departments and agencies shall be credited to a unique Special Fund and associated GAAP Fund revenue account as so designated by the Budget Office, and all monies shall be credited to said account regardless of the year in which the motor fuels were supplied. All billings shall be at State purchase price only.

Section 164. The Delaware Transportation Authority budget, as set forth in memorandum form in Section 1 of this Act, shall be expended in accordance with the following limitations:

(a) Debt Service estimates are for current project financing as authorized by Title 2, Chapter 13, Delaware Code.

(b) Funds provided for "Newark Transportation" and any carry-over funds available are intended to cover the expenses of the public transportation system operated by the City of Newark. The funds may be used to provide up to 100 percent of the total operating cost of the system during the year.

(c) Funds provided for "Kent/Sussex Transportation" are intended for continuation of specialized transportation service for the elderly and handicapped in Kent and Sussex counties. It is intended that management and direction of the service will reside with the Delaware Transportation Authority which may contract for services as they see fit, and that Kent and Sussex county governments will review and approve allocation of the service levels within each county.

(d) Funds provided for "Dover Capital" are intended to aid the elderly and handicapped transportation system operated by the City of Dover. The funds may be used to provide up to 100 percent of the cost of capital needs of the system.

(e) Funds provided for "Dover Transportation" and any carry-over funds available are intended to aid the elderly and handicapped transportation system operated by the City of Dover.

(f) It is intended that funds for "Taxi Service Support", along with any carry-over funds available for the Taxi Services Support Program, will be maintained at least at the same service level as in the previous year. It is intended that management and direction of these services shall reside with the Delaware Transportation Authority who may contract for this service as required.

(g) Funds of the Delaware Transportation Authority may not be provided as aids to local governments for transportation systems which restrict passengers because of residential requirements. Nothing in this Section is meant to require that governments must operate these transportation systems outside their political boundaries.

Section 165. The Department of Transportation is hereby authorized to participate in $250.0 worth of research with the University of Delaware, College of Engineering through the Delaware Transportation Center. Funding for this program is derived from Transportation Trust Fund Revenues.

Section 166. Section 1 of this Act appropriates funds to the Department of Transportation (55-00-00). Included in those appropriations are designations of GF, TFO, TFC and NSF positions. Effective July 1, 1991, each of these positions shall be displayed

in the List of Authorized Positions with the same information as is displayed for all other positions in that report.

Section 167. Section 1 of this Act makes various appropriations from the Transportation Trust Fund for all transportation related operations. The Department of Transportation shall promulgate and carry out the policies and procedures necessary to deauthorize any unprogrammed appropriations remaining at the end of each fiscal year.

Section 168. The Department of Transportation may participate in heating oil price hedging contract/s by transferring $6.4 to the Division of Purchasing (30-06-00) within a timely manner as needed to cover the Department of Transportation's portion of the contract/s cost. Any unused portion will be promptly returned to the Department of Transportation.

Section 169. For the Fiscal Year 1992, the Department of Transportation shall be exempt from paying the required indirect cost charge which is assessed annually for each budgeted special fund FTE position as specified in Title 29, Chapter 64, Section 6410(b) of the Delaware Code, for those positions which are being transferred from the General Fund to the Transportation Trust Fund in Fiscal Year 1992.

LABOR

Section 170. (a) Section 1 of this Act provides an appropriation of $135.2 to Employment and Training, Training Services (60-09-20) for the Delaware State-wide Summer Youth Employment Program to operate a ten-week program commencing July 1, 1991. This sum is to be allocated in the following manner:

New Castle County (outside the City of Wilmington)	$ 40.5
City of Wilmington	40.7
Kent County	27.0
Sussex County	27.0
TOTAL	$135.2

(b) Notwithstanding any other provision of the Delaware Code to the contrary, youths chosen for work under this program shall not be less than 14 years of age nor more than 20 years of age (except that work leaders may be 21 years of age) and shall be required to provide evidence of same before becoming eligible. All youths participating in the State-assisted program shall be required to present a letter from their parents or guardian indicating their consent to work and also releasing the State of Delaware and the sponsoring agency from any liability for assignments in the low-risk jobs that will be available.

Preference shall be given to those youths who are members of single-parent households whose income does not exceed $15.0 annually and applicants who qualify based upon parental income guidelines for two-parent households of $26.0 or less. Notwithstanding income limits provided for participation in the State-wide Summer Youth Employment Program, consideration may be given to other applicants at a ratio of at least eight applicants qualified on income to three persons considered beyond the income limits.

Any non-profit or tax exempt organization certified by the Department of Labor may be authorized to be a sponsoring agent for the State-assisted youth work program.

Sponsoring agents shall be required to submit a plan or project of activity of meaningful and productive work experience providing such details as the department shall deem necessary before becoming eligible as a sponsoring agent.

The sponsoring agent shall provide one work leader for each 20 youths employed in the program to supervise and monitor the attendance and work performance of the youths selected for the program. Work leaders shall be paid no more than $4.50 per hour and shall work no longer than eight hours per day and five days per week.

In each of the political subdivisions wherein funds have been appropriated, no more than $2.0 shall be extended for administrative purposes and no more than $1.0 shall be expended for equipment, supplies and mileage.

A record of all equipment and supplies purchased with funds herein appropriated shall

be kept by the sponsoring agent, and at the conclusion of the ten-week program such supplies and equipment shall be reverted to the Department of Labor.

Section 171. The funds appropriated for the Delaware State-wide Summer Youth Employment Program shall not be co-mingled with funds appropriated from any other source. The guidelines for youth employment and administrative costs for all persons employed in the State-wide Summer Youth Employment Program shall be based in accordance with prior years' practice of payment for services. The program management shall be directed by the Urban Affairs Specialist as provided for in prior years at no additional expense to the citizens of Delaware.

AGRICULTURE

Section 172. (a) Section 1 of this Act provides an appropriation to the Department of Agriculture, Promotion and Production Support, Harness Racing Commission (65-04-03). Of the amount appropriated, $125.0 may be used for the "First State Trotting and Pacing Series". This will consist of special harness horse races to be contested at Delaware's pari-mutuel harness tracks for six-year-old or younger horses that are owned in whole by a Delaware resident.

(b) The Department of Agriculture in consultation with the Cloverleaf Standardbred Owners Association shall establish the rules and regulations for this program to include, but not be limited to, the following:

(1) There must be at least five horses declared to start in each race.

(2) Purses shall be divided as follows:

50% for 1st Place
25% for 2nd Place
12% for 3rd Place
8% for 4th Place
5% for 5th Place

(3) Participating harness tracks will add no less than 25% to the total funding made available by the Department of Agriculture for this program.

Section 173. (a) Amend Chapter 3, Title 28, Delaware Code by redesignating said Chapter as new Chapter 101 under Title 3, Delaware Code, by retaining the subchapter designations and by numbering Sections 301 through 368 as new Sections 10101 and 10168 respectively.

(b) Amend paragraph (a), subsection (28), Section 8810, Chapter 88, Title 29, Delaware Code, by striking said subsections in its entirety and redesignating present subsection (29) as new subsection (28).

FIRE PREVENTION

Section 174. Position number 11460 in Budget Unit 75-01-01, Deputy Fire Marshal II, shall be deleted effective September 1, 1991.

Section 175. Section 1 of this Act provides an appropriation of $50.0 to the State Fire Prevention Commission (75-03-01) in the line item "State-wide Fire Safety Education". These funds are to be matched by members of the Delaware Association of Volunteer Firemen and are to be used for the purpose of operating a State-wide Fire Safety Education Program.

Section 176. Of the funds appropriated in Section 1 of this Act to the Fire Prevention Commission (75-03-01) in the line item "Contingency - Extraordinary Expenses", an amount not to exceed $20.0 may be used to reimburse Volunteer Fire Companies which incur extraordinary expenses. These funds may be disbursed to Volunteer Fire Companies only for extraordinary expenses at the discretion of the Fire Prevention Commission upon the request of a Volunteer Fire Company. An extraordinary expense under the provisions of this Act shall be defined as those expenses for which a Volunteer Fire Company would not normally prepare for in its Company budget and are not covered by said Companies own private insurance.

NATIONAL GUARD

Section 177. Section 1 of this Act provides an appropriation for Energy to Delaware National Guard (76-01-01). Within this appropriation, sufficient energy funds are included to defray energy expenses of the Laura Little School building that are not directly attributable to occupancy by the National Guard.

HIGHER EDUCATION

Section 178. (a) Section 1 of this Act provides an appropriation for "Operations" of the University of Delaware (90-01-01) and an appropriation for "Operations" of the Delaware Geological Survey (90-01-02). This figure includes total State assistance for University operations costs as well as funds required to be appropriated by Title 29, Section 5505(6), Delaware Code. The appropriation for "Operations" of the University of Delaware, includes $1,910.7 for energy.

(b) The University of Delaware shall pay on a regularly scheduled basis, as determined by the Secretary of Finance to the State Treasurer, at a rate determined under Title 29, Section 6340, Delaware Code, or otherwise by the Secretary of Finance, the amount of all fringe benefits applicable to salaries and wages paid to employees of the University of Delaware as the term employee is defined in Title 29, Sections 5501(a) and 5505, Delaware Code or any other fringe benefit costs applicable to the University of Delaware.

Section 179. Section 1 of this Act appropriates amounts for "scholarships", "agricultural programs" and "other programs" to the University of Delaware (90-01-01). Those amounts shall be allocated as follows:

Scholarships:		
General	$ 1,224.0	
Scholarships	623.5	
Title VI Compliance	901.3	
Aid-to-Needy Students	758.1	
Student Employment Program	136.8	
Total		$ 3,643.7
Agricultural Programs:		
Agricultural Experimental Station	$ 92.1	
Agricultural Cooperative Extension	289.1	
Poultry Disease Research	241.5	
Crop Extension	32.3	
Agricultural Environmental Quality	38.3	
Soil Testing and Pesticide Control	97.3	
Diagnostic Poultry Program	53.1	
Total		$ 843.7
Other Programs:		
Academic Incentive	$ 100.0	
Sea Grant	358.8	
Summer School for Teachers	208.9	
Urban Agent Program	62.1	
Public Service and Applied Research Projects	118.6	
Research Partnership Fund	1,023.8	
Minority Recruitment	204.9	
Pike Creek Greenway	50.0	
Urban Journalism	4.0	
Financial Services Center	50.4	
Local Government Research and Assistance	20.2	
Student Special Services	20.0	
Total		$ 2,221.7

Section 180. Section 1 of this Act appropriates $1,023.8 for the "Research Partnership Fund" at the University of Delaware, subject to the following:

(a) This appropriation shall be used to match, on a dollar-for-dollar basis, grants or contracts from private industry to conduct cooperative research with the University. The

objective of the cooperative research efforts shall be to attract new high-technology research facilities and industries to locate within the State of Delaware.

(b) This appropriation shall be used to match "new" money and cannot be allocated to any projects in progress.

(c) The University President shall submit to the Governor, members of the General Assembly and the Controller General, within 120 days after the close of each fiscal year, a report containing an account of how these funds were expended; what new, industrial research organizations were attracted to the State; and plans for the ensuing fiscal year.

Section 181. Section 1 of this Act appropriates $1,557.0 to the Delaware Institute of Medical Education and Research (90-02-01). This amount shall be allocated as follows:

Jefferson Medical College	$ 1,100.0
University of Delaware	49.0
Medical Center of Delaware	200.0
Scholarships	182.0
Summer Research Program	25.0
Academy of Medicine	1.0
	$ 1,557.0

Any changes in this allocation must receive prior approval from the Budget Director and the Controller General.

Section 182. Section 1 of this Act provides funds to the University of Delaware (90-01-01) and Delaware State College (90-03-01) developed in accordance with the Title VI Compliance Plan for Higher Education in the State of Delaware. These funds shall be utilized expressly for that purpose.

Section 183. Section 1 of this Act makes an appropriation to Delaware State College (90-03-01) for General Scholarships. Of that amount, $22.0 shall be for State Scholarships for high ability students and $20.0 shall be for departmental scholarships to attract high achievers into the sciences.

Section 184. The State Budget Office and the Controller General's Office, with the cooperation of the University of Delaware and Delaware Technical and Community College will initiate a study of the Parallel Program. The purpose of this study shall be to determine the cost effectiveness, program effectiveness and equity of the current method used to finance the Parallel Program. This study shall be completed by November 15, 1991. Recommendations will be made to the Governor and the Legislature.

Section 185. The line item, Subvention, in Section 1 of this Act, Delaware Institute of Dental Education and Research (90-08-01), as provided by Title 14, Chapter 88, Delaware Code, provides for three dental internships and sufficient funds to contract with Delaware State Hospital (Inpatient Mental Health) to continue the Dental Internship Program. This program also will serve clients in the Community Mental Retardation Program.

PUBLIC EDUCATION

Section 186. Amend Subsection 1318(g), Title 14, Delaware Code by deleting said subsection in its entirety and substituting in lieu thereof:

(g) An employee retired subsequent to June 1, 1969, after serving in covered employment under Chapter 55 of Title 29, shall, on retirement, be paid for each unused sick leave day, not to exceed 90 days. The total amount paid shall be based upon that portion of the salary computed in accordance with State schedules, regardless of the source of funding, and shall be based upon 50% of the per diem rate of pay in effect at the time of retirement. Effective July 1, 1986, in the event of the death of a teacher or other school employee, payment shall be made to his or her estate at the rate of 1 day's pay for each day of unused sick leave not to exceed 90 days. Effective July 1, 1991, for school employees of the State Board of Education and school district boards of education the per diem rate shall be

1/185 of the annual salary based on State salary schedule for those employed 10 months; for those employed 11 months the per diem rate shall be 1/239 of the annual salary based on State salary schedule; and for those employed 12 months, the per diem rate shall be 1/261 of the annual salary based on State salary schedule. The local employing agency shall certify the number of days to which the employee shall be entitled.

Section 187. Amend section 1318, Title 14, Delaware Code by redesignating subsection (i) as subsection (j) and adding a new subsection (i) as follows:

(i) Effective September 1, 1991, the per diem rates used to pay retiring employees for accrued annual leave shall be identical to the per diem rates for sick leave contained in subsection (g) of this section.

Section 188. Amend section 1320, Title 14, Delaware Code by deleting said section in its entirety and substituting in lieu thereof:

§1320. Deduction for unexcused absence.

For each day's absence for reasons other than those permitted under Section 1318 of this title, there shall be deducted 1/185 of the annual salary based on State salary schedule of an employee who is employed for 10 months; 1/239 for an employee who is employed for 11 months; and 1/261 for an employee who is employed for 12 months, for each day of unexcused absence.

Section 189. Provisions of the Delaware Code notwithstanding, for the purposes of calculating termination pay on the State share of salaries paid to school employees electing to take the Early Retirement Option offered by the State, the agency policy or practice in place at the time of signing into law of House Bill 88 of the 136th General Assembly shall be utilized. Each agency will be required to submit an affidavit to the State Budget Director and Controller General to this effect on or before July 15, 1991. This affidavit must be signed by the Superintendent and President of the Board of Education. This affidavit will outline the practice in force at the time of the signing of House Bill 88 of the 136th General Assembly.

Section 190. Amend Title 14, Chapter 15, Delaware Code, by adding a new Section 1509 as follows:

"Any reorganized school district that closes a fiscal year with an unencumbered balance in its local current operating expense account(s) that is less than or equal to five percent of the estimated amount of taxes collectible for current operating expense for the same year, shall file a written report with the State Board of Education. This calculation shall not include loans from any source. This report shall assess the district's long-term financial outlook and include a plan for increasing and maintaining the end of the year unobligated balance above the five percent level. The estimated amount of taxes collectible for current operating expense revenues shall be determined in accordance with the annual Assessment and Tax Rates study prepared by the State Board of Education. All reports required by this Section shall be submitted within 45 days of the close of the fiscal year that initiates this Section's provisions. The State Board of Education shall provide copies of the submitted reports to the Budget Director and Controller General within five working days."

Section 191. Section 1 of this Act makes an appropriation of $15.0 to Public Education, State Board of Education, State Board and Superintendent (95-01-01) for Odyssey of the Mind. This appropriation shall be made available to school students to assist in defraying out-of-state travel expenses associated with this program.

Section 192. (a) Beginning with the fiscal year ending June 30, 1993, any reorganized school district that closes a fiscal year with an unencumbered balance in its local current operating expense account(s) that is less than or equal to 7.5 percent of the estimated amount of taxes collectible for current operating expense for the same year, shall file a written report with the State Board of Education. This calculation shall not include loans from any source. This report shall assess the district's long-term financial outlook and include a plan for increasing and maintaining the end of the year unobligated balance above

the 7.5 percent level. The estimated amount of taxes collectible for current operating expense revenues shall be determined in accordance with the annual Assessment and Tax Rates study prepared by the State Board of Education. All reports required by this Subsection shall be submitted within 45 days of the close of the fiscal year that initiates this Subsection's provisions. The State Board of Education shall provide copies of the submitted reports to the Budget Director and Controller General within five working days.

(b) Beginning with the fiscal year ending June 30, 1992, all reorganized school districts are required to submit to the State Superintendent of Public Instruction and the State Board of Education quarterly financial reports on or before October 15, February 15 and April 15 of the current year. For Fiscal Year 1992, the October 15th report shall not be required. Such quarterly revenue and expenditure reports shall detail the district's cash position for all funds compared to its current local school board approved operating budget. The format of the quarterly report shall be developed and standardized, using the Delaware Financial Management System data, by the State Board of Education and approved by the Budget Director and Controller General. Three copies of each report shall be submitted. The State Superintendent of Public Instruction shall provide copies of the submitted reports to the Budget Director and Controller General within five working days. Any such report which shows that a district will not, in all likelihood, be able to meet its current year approved local budget obligations shall be accompanied by a plan to avert such circumstances. Such plan shall be approved by the district superintendent and local board of education.

Section 193. For the fiscal year ending June 30, 1992, the State Board of Education is permitted to move authorized positions among its Internal Program Units.

Section 194. Section 1 of this Act provides appropriations of $192,952.4 for Formula Salaries and $73,491.5 for Other Employment Costs to Public Education, School District Operations, Division Funding (95-02-01). These amounts provide salaries and other employment costs for the following categories as determined by the September 30 unit count entitlement of each school district: Title 14, Section 1305, Section 1306, Section 1307, Section 1308, Section 1309, Section 1310, Section 1311, Section 1321, Section 1324, Section 1331 and Section 1332, Delaware Code. These appropriations also contain salaries and other employment costs funds for the Americanization Program operated by the Caesar Rodney and Red Clay Consolidated School Districts. These sums are $7.3 and $83.2, respectively.

Section 195. Amend Title 14, Chapter 15, Section 1506, Delaware Code, by adding the following:

"(c) In order to insure that authorized position complements are not exceeded, the Auditor of Accounts is directed to incorporate an examination of the number of authorized positions versus the number of actual positions a district has employed as part of the regular, annual audit review for all public school district audits that commence on or after July 1, 1991. This position audit function shall include, in addition to Formula Salary positions, an examination of positions and associated "Option Units" authorized by the State Board of Education under any appropriation.

(d) Any discrepancy found by the Auditor of Accounts which has resulted in a local school district expending more General Funds than it was entitled to during the fiscal year being audited shall be promptly reported to the Budget Director, the Controller General and the State Board of Education. Upon review and determination as to the status of the questioned expenditure the Budget Director, Controller General and the local school district Board of Education shall develop and certify a written repayment plan.

(e) The local school district may choose to make the required General Fund reimbursement from its local current operating expense account or by agreeing not to utilize a current year General Fund appropriation for which it is otherwise eligible based on unit entitlements. Reimbursements required by this Section shall be transacted during the fiscal year in which the over-expenditure is discovered.

(f) In order to assist the Auditor of Accounts in the performance of this function local school districts are instructed to maintain records and make them available in a format that will facilitate this review."

Section 196. (a) Line item funds appropriated in Section 1 of this Act to Public Education, School District Operations, Other Items (95-02-02) are to cover adjustments in the Appropriation Units of the State Board of Education and State Board for Vocational Education, Block Grants and Pass Through Programs, Pupil Transportation, or the local school districts. Examples of such use are: salary line transfers and adjustments; unit adjustments; State share of tuition payment for private placement of handicapped pupils; for Delaware residents of the Delmar School District attending Maryland schools; expenditures for Americanization classes; pupil transportation costs; and unused General Fund sick pay for retirees other than those who have elected to participate in the Early Retirement Option program.

(b) If, during the course of a fiscal year, any reorganized local school district is unable to meet its obligation to fund the local share of semi-monthly payroll due to either delayed receipt of property tax collectibles or previous expenditure of all available revenues, the Secretary of Finance and Budget Director, with the consultation of the Controller General, are authorized to release the unfunded payroll by covering the local liability with General Funds. Such a use of General Funds shall be contingent upon the reorganized local school district submitting to the Secretary of Finance a letter of agreement, signed by the district superintendent and president of the local board of education, which stipulates that the district will repay the State General Fund in full, including an amount for interest defined as the average rate of return on State investments during the period of the loan. Such repayment shall be made by means of a tax anticipation note or other means available to the district and shall be accomplished prior to releasing the next regular payroll. The provisions of this Section shall not apply to obligations other than payroll. The provisions of this Section may be utilized only once by each reorganized local school district during the course of any one fiscal year.

Section 197. Section 1 of this Act provides certain appropriations to Public Education, School District Operations, Other Items (95-02-02) and Block Grants and Pass Through Programs (95-03-00) for school districts in the State for the fiscal year ending June 30, 1992. Title 14, Chapter 17, Section 1704, Delaware Code, provides the method of determining the appropriate number of pupil units for each school district based on the September 30 enrollment. Sufficient funds will be placed in the School District accounts to operate for a partial year. Based on the approved State Board Unit Count for September 30, adjustments will be made to the district accounts. These adjustments will be accomplished through the transfer process and therefore approved by the Budget Director and the Controller General.

Section 198. Section 1 of this Act provides certain appropriations to Public Education, School District Operations, Other Items and Debt Service in the State. These amounts are not based on the unit system. Allocation of these funds shall conform to the following:

(a) Debt Service amounts are predicated upon the amortization schedule as provided by the State Treasurer.

(b) The line item "Other Items" in the Internal Program Unit Other Items (95-02-02) shall be allocated as follows:

1.	Caesar Rodney - Americanization	$ 4.7
2.	Red Clay - Americanization	9.0
3.	Margaret S. Sterck -	
	Residence - Other Costs	85.4
	Consultant Services	11.0
	Preschool Summer Program	6.9
4.	Christina Autistic -	
	Residence - Other Costs	102.5

Contractual Services	11.4	
Total		$ 230.9

Section 199. Section 1 of this Act makes appropriations to Public Education, School District Operations, Division Funding (95-02-01) for Division II - All Other Costs and Energy. During the fiscal year ending June 30, 1992, a school district, upon approval of the Budget Director and the Controller General, may transfer part of its allocated appropriation from Division II - Energy to Division II - All Other Costs. A school district may use Division II - Energy funds to obtain engineering studies required for Exxon or stripper well funds. A Division II - Energy Unit shall be valued at $1,272.19. A Division II - All Other Costs Unit shall be valued at $2,571.00.

Section 200. During Fiscal Year 1992, the two school districts selected to enter into multi-year contracts to test the concept of guaranteed energy cost reduction through energy management are authorized to continue to participate in the program. The committee made up of one member each from the Budget Office, the Energy Office of the Division of Facilities Management, the Office of the Controller General, and the Department of Public Instruction will continue to oversee the implementation of this program.

During the life of the contract entered into, these two districts will be empowered to use yearly Division II energy appropriations to make payments on the contract. In no event will additional State revenue be available to the district by way of participation in the program. As is currently the case, in the event that the Division II energy appropriation is not sufficient to meet the cost of the contract and any additional energy used, the districts must cover the costs with other funds available to them.

The Division of Accounting is directed to continue to assist the committee and school districts in implementing this program. The selected districts will be required to submit annual reports to the committee detailing savings for the life of the contract.

Section 201. Section 1 of this Act provides an appropriation of $17,089.3 to Public Education, School District Operations, Division Funding (95-02-01) for Division II - All Other Costs. This appropriation shall be used for all school costs except salaries and other employment costs, State and local benefits, debt service, energy, and transportation of pupils to and from their regular sessions of school. The purchase of computer equipment with Division II - All Other Costs funds shall be subject to the technical review and purchase requirements of the Office of Information Systems Planning and Development of the Office of the Budget.

Section 202. Amend Title 14, Chapter 17, Section 1720, Delaware Code, by deleting the words "appropriated in the Budget Appropriation Bill" as they appear in the first sentence of said section and substituting in lieu thereof: "authorized in the Budget Appropriation Bill and subsequently allocated by the State Board of Education".

Section 203. Amend Title 14, Chapter 17, Section 1722, Delaware Code, by deleting Section 1722 in its entirety.

Section 204. Amend Title 14, Chapter 17, Delaware Code, by striking the following Sections in their entirety: 1716B, 1716C and 1716D.

Section 205. Amend Title 14, Chapter 11, Section 1102, Delaware Code, by deleting the words "The State Board of Education shall, in its annual budget request, recommend an amount to be appropriated" as they appear in the first sentence of said Section and substituting in lieu thereof: "The State Board of Education may authorize, from the amount appropriated in the Budget Appropriation Bill for the purpose of enhancing professional development, an amount to be allocated".

Section 206. Amend Title 14, Chapter 11, Section 1104, Delaware Code, by deleting the words "shall provide for the establishment of" as they appear in the first sentence of said

(f) In order to assist the Auditor of Accounts in the performance of this function local school districts are instructed to maintain records and make them available in a format that will facilitate this review."

Section 196. (a) Line item funds appropriated in Section 1 of this Act to Public Education, School District Operations, Other Items (95-02-02) are to cover adjustments in the Appropriation Units of the State Board of Education and State Board for Vocational Education, Block Grants and Pass Through Programs, Pupil Transportation, or the local school districts. Examples of such use are: salary line transfers and adjustments; unit adjustments; State share of tuition payment for private placement of handicapped pupils; for Delaware residents of the Delmar School District attending Maryland schools; expenditures for Americanization classes; pupil transportation costs; and unused General Fund sick pay for retirees other than those who have elected to participate in the Early Retirement Option program.

(b) If, during the course of a fiscal year, any reorganized local school district is unable to meet its obligation to fund the local share of semi-monthly payroll due to either delayed receipt of property tax collectibles or previous expenditure of all available revenues, the Secretary of Finance and Budget Director, with the consultation of the Controller General, are authorized to release the unfunded payroll by covering the local liability with General Funds. Such a use of General Funds shall be contingent upon the reorganized local school district submitting to the Secretary of Finance a letter of agreement, signed by the district superintendent and president of the local board of education, which stipulates that the district will repay the State General Fund in full, including an amount for interest defined as the average rate of return on State investments during the period of the loan. Such repayment shall be made by means of a tax anticipation note or other means available to the district and shall be accomplished prior to releasing the next regular payroll. The provisions of this Section shall not apply to obligations other than payroll. The provisions of this Section may be utilized only once by each reorganized local school district during the course of any one fiscal year.

Section 197. Section 1 of this Act provides certain appropriations to Public Education, School District Operations, Other Items (95-02-02) and Block Grants and Pass Through Programs (95-03-00) for school districts in the State for the fiscal year ending June 30, 1992. Title 14, Chapter 17, Section 1704, Delaware Code, provides the method of determining the appropriate number of pupil units for each school district based on the September 30 enrollment. Sufficient funds will be placed in the School District accounts to operate for a partial year. Based on the approved State Board Unit Count for September 30, adjustments will be made to the district accounts. These adjustments will be accomplished through the transfer process and therefore approved by the Budget Director and the Controller General.

Section 198. Section 1 of this Act provides certain appropriations to Public Education, School District Operations, Other Items and Debt Service in the State. These amounts are not based on the unit system. Allocation of these funds shall conform to the following:

(a) Debt Service amounts are predicated upon the amortization schedule as provided by the State Treasurer.

(b) The line item "Other Items" in the Internal Program Unit Other Items (95-02-02) shall be allocated as follows:

1.	Caesar Rodney - Americanization	$ 4.7
2.	Red Clay - Americanization	9.0
3.	Margaret S. Sterck -	
	Residence - Other Costs	85.4
	Consultant Services	11.0
	Preschool Summer Program	6.9
4.	Christina Autistic -	
	Residence - Other Costs	102.5

Contractual Services	11.4	
Total		$ 230.9

Section 199. Section 1 of this Act makes appropriations to Public Education, School District Operations, Division Funding (95-02-01) for Division II - All Other Costs and Energy. During the fiscal year ending June 30, 1992, a school district, upon approval of the Budget Director and the Controller General, may transfer part of its allocated appropriation from Division II - Energy to Division II - All Other Costs. A school district may use Division II - Energy funds to obtain engineering studies required for Exxon or stripper well funds. A Division II - Energy Unit shall be valued at $1,272.19. A Division II - All Other Costs Unit shall be valued at $2,571.00.

Section 200. During Fiscal Year 1992, the two school districts selected to enter into multi-year contracts to test the concept of guaranteed energy cost reduction through energy management are authorized to continue to participate in the program. The committee made up of one member each from the Budget Office, the Energy Office of the Division of Facilities Management, the Office of the Controller General, and the Department of Public Instruction will continue to oversee the implementation of this program.

During the life of the contract entered into, these two districts will be empowered to use yearly Division II energy appropriations to make payments on the contract. In no event will additional State revenue be available to the district by way of participation in the program. As is currently the case, in the event that the Division II energy appropriation is not sufficient to meet the cost of the contract and any additional energy used, the districts must cover the costs with other funds available to them.

The Division of Accounting is directed to continue to assist the committee and school districts in implementing this program. The selected districts will be required to submit annual reports to the committee detailing savings for the life of the contract.

Section 201. Section 1 of this Act provides an appropriation of $17,089.3 to Public Education, School District Operations, Division Funding (95-02-01) for Division II - All Other Costs. This appropriation shall be used for all school costs except salaries and other employment costs, State and local benefits, debt service, energy, and transportation of pupils to and from their regular sessions of school. The purchase of computer equipment with Division II - All Other Costs funds shall be subject to the technical review and purchase requirements of the Office of Information Systems Planning and Development of the Office of the Budget.

Section 202. Amend Title 14, Chapter 17, Section 1720, Delaware Code, by deleting the words "appropriated in the Budget Appropriation Bill" as they appear in the first sentence of said section and substituting in lieu thereof: "authorized in the Budget Appropriation Bill and subsequently allocated by the State Board of Education".

Section 203. Amend Title 14, Chapter 17, Section 1722, Delaware Code, by deleting Section 1722 in its entirety.

Section 204. Amend Title 14, Chapter 17, Delaware Code, by striking the following Sections in their entirety: 1716B, 1716C and 1716D.

Section 205. Amend Title 14, Chapter 11, Section 1102, Delaware Code, by deleting the words "The State Board of Education shall, in its annual budget request, recommend an amount to be appropriated" as they appear in the first sentence of said Section and substituting in lieu thereof: "The State Board of Education may authorize, from the amount appropriated in the Budget Appropriation Bill for the purpose of enhancing professional development, an amount to be allocated".

Section 206. Amend Title 14, Chapter 11, Section 1104, Delaware Code, by deleting the words "shall provide for the establishment of" as they appear in the first sentence of said

Section and substituting in lieu thereof: "may provide".

Section 207. Amend Title 14, Chapter 11, Section 1104, Delaware Code, by deleting the word "shall" as it appears in the second sentence of said Section and substituting in lieu thereof: "may".

Section 208. Amend Title 14, Chapter 11, Section 1105, Delaware Code, by deleting the word "shall" as it appears in the first sentence of said Section and substituting in lieu thereof: "may".

Section 209. Amend Title 14, Chapter 11, Section 1106, 1107 and 1108, Delaware Code, by deleting the words "shall establish" as they appear in the first sentence of said Sections and substituting in lieu thereof: "may provide".

Section 210. Section 1 of this Act provides an appropriation of $3,164.9 to Public Education, Block Grants and Pass Through Programs, Adult Education and Work Force Training Block Grant (95-03-10). This appropriation shall be allocated by the State Board of Education to the following programs: Adult Incarcerated, Adult Trade Extension, Apprentice Program, James H. Groves High School, Adult Basic Education, New Castle County Learning Center, Delaware Skills Center and Alternative Secondary Education Program. For Fiscal Year 1992, each program shall receive an allocation of at least ninety (90) percent of its Fiscal Year 1991 allocation.

Section 211. Amend Delaware Code, Title 14, Section 1716 by striking said section in its entirety and by substituting in lieu thereof the following:

"§1716. Unit for academic excellence.

(a) 'Unit for academic excellence' is defined for funding purposes as one unit for each 290 full-time equivalent enrollees in a school district, grades K through 12. Districts shall qualify for partial funding for a fractional part of 290 full-time equivalent pupils enrolled in grades K through 12.

(b) Each student may be counted only once, and for pupils who attend schools in more than one district during each school day, the pupil is to be counted in each district for the portion of the school day he or she is in attendance there. Kindergarten pupils shall be counted as one-half time for purposes obtaining the full-time equivalent enrollment.

(c) The unit for academic excellence may be used to provide educational services such as but not limited to the following: reading, communications skills, mathematics, science, social studies, elementary and secondary counseling, elementary and secondary foreign languages, elementary and secondary performing arts, elementary physical education, elementary music, elementary art, library services, career education in grades 7 and 8, paraprofessional such as service or instructional aides, programs for gifted and talented pupils, career placement counselors, programs for limited English proficient pupils, and programs for children-at-risk as defined by the State Board of Education.

(d) Nothing contained in this section shall prohibit a school district from using pupil units provided under §1703 of this title to employ personnel to provide educational services authorized in Subsection (c) of this section.

(e) The programs authorized under this section shall operate on a 185 day per school year basis, and personnel employed with funds authorized under this section shall be paid in accordance with §1305 of this title. School districts are also authorized to employ two service aides or two instructional aides for each unit in lieu of one person employed under §1305, provided that such aides are paid in accordance with the salary schedule contained in §1324 of this title.

(f) One unit of funding shall include Division I funding for one person funded under §1305 or two aides funded under §1324, as specified in Subsection (e) of this title plus one unit of 'Division II - All Other Costs' as contained in the Annual Appropriations Act.

(g) A school district may elect to take a cash option for up to twenty percent of the units to which it is entitled under this section in any fiscal year. In such case, the district may use the funds so derived for either Division I or Division II purposes, provided, however, that such funds must be used for educational services specified in Subsection (c) and may not be used to supplement State salaries authorized in Chapter 13 of this title for any employee. The cash option shall provide $35,000 per unit.

(h) Any school district wishing to use funds under any of the options set forth in this section shall make application to the State Board of Education. Such application shall specify, as a minimum, the types of services to be provided and the use that will be made of the funds authorized by this section."

Section 212. Section 1 of this Act makes an appropriation to the State Board of Public Education Block Grants and Pass Through Programs, Education Block Grants (95-03-10). Of the amount appropriated, $13,006.4 shall be used to fund units for academic excellence in the school districts in accordance with Delaware Code, Title 14, Section 1716. The balance of $2,852.1 shall be allocated to school districts in proportion to the number of Division I units each district enrolls on the last school day in September 1991. School districts may use the funds to: purchase computer hardware, software or services; fund homebound instruction costs; provide substitute teachers; provide additional nurses so long as the district is entitled to less than one nurse per school; or provide a student work-study program.

Section 213. Section 1 of this Act provides an appropriation of $1,392.9 to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for the operation of the Program for Children with Disabilities. The school districts in which children reside who are to be provided the special services are authorized to levy and collect local tuition tax to cover the local share of the program costs.

Section 214. Amend Delaware Code, Title 14, Section 3101 by striking paragraph (4) in its entirety and substituting in lieu thereof the following:

"(4) 'Handicapped person' means a person in the chronological age group three (3) through twenty (20) years inclusive, and any other person as otherwise provided for in this title, who because of mental, physical, emotional or learning disability problems, as defined by the State Board of Education, requires special education and related services in order to develop his or her capabilities. This term includes children three through four inclusive who are experiencing developmental delay and speech and/or language delay. A handicapped person is eligible for services beginning on his or her third birthday."

Section 215. Amend Delaware Code, Title 14, Section 3101 by striking the number "4" as it appears in paragraph (6) of said section and by substituting in lieu thereof the number "3".

Section 216. Amend Delaware Code, Title 14, Section 1703 by relabeling the current Subsection 1703(n) as Subsection 1703(o) and inserting a new Subsection 1703(n) to read as follows:

"(n) In the case of developmentally delayed three-year old students and speech or language delayed three and four-year old students as determined by the State Board of Education, services shall be provided through an annual appropriation to the State Board of Education specifically for that purpose. Such students shall not be included in the units authorized in subsection (d) of this section. For purposes of this subsection, 'developmentally delayed' shall mean children age three who might otherwise be classified as learning disabled, seriously emotionally disturbed, or educably mentally handicapped."

Section 217. Amend Delaware Code, Title 14, Section 3110 by striking the number "4" as it appears in Subsection 3110(b) and by substituting in lieu thereof the number "3".

Section 218. Section 1 of this Act provides an appropriation of $1,392.9 to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for the Program for Children with Disabilities (PCD).

An Interagency Resource Management Committee (IRMC) is hereby established. The IRMC shall be composed of the following members:

Superintendent of Public Instruction who shall be the chairperson of the IRMC;
Cabinet Secretary, Department of Health and Social Services;
Cabinet Secretary, Department of Services for Children, Youth and Their Families;
Budget Director;
Controller General.

The affirmative vote of a majority of all members shall be required to take action.

The IRMC shall review proposed eligibility criteria for services under the PCD and shall recommend to the State Board of Education a definition of eligibility for incorporation into the Administrative Manual: Programs for Exceptional Children.

The IRMC is created to promote interagency collaboration in the service of those eligible for the PCD, to promote the cost-effective use of existing resources — Federal and State, public and private, and to promote the opportunity for coordination with programs for other exceptional children. To accomplish these goals, the IRMC shall do the following:

1. Allocate all funds provided by the State, obtained by it, or under its control, which are designated for the service of children eligible for the PCD including:
   a. State General Funds authorized by this section, and
   b. Monies provided by the Federal Government.
2. Seek to coordinate services to children eligible for the PCD with those provided by other public and private agencies.
3. Coordinate resources to support family-centered services for eligible children and their families, as appropriate.
4. Seek to develop collaborative approaches with the institutions of higher education for the service of those eligible for the PCD. Special emphasis shall be placed on the use of existing preschool educator training and child care provider training programs.
5. At its discretion, hire a full-time director who shall report to the IRMC. The director shall serve as liaison to the Department of Public Instruction, Instructional Services Branch.
6. The staff of DPI is encouraged to provide assistance in implementation of PCD.

The IRMC may, at its discretion, apply for and allocate grant funds that will serve children eligible for the PCD and further any of the purposes of this section. Sources of such grant funds may include the Federal Childcare Block Grant, Developmental Disabilities Council, Federal Child and Maternal Health grant, Federal Title XX, Delaware First Again grants, where appropriate.

The IRMC is hereby granted the power to use any funds under its control and not otherwise restricted to either hire employees or contract for services.

The IRMC shall report at least twice on its activities. The first report shall be made by December 19, 1991, and the second by April 15, 1992. Each report shall be to the Governor, President Pro-Tempore of the Senate, and the Speaker of the House. Each report shall include:

1. A summary of IRMC experience in attempting to accomplish its purposes as stated above; and
2. A recommendation of the IRMC whether and how to institutionalize its activities and functions.

The Budget Director and Controller General are hereby authorized to transfer additional funds serving this population among the budgets of the Departments represented on the IRMC if there is prior agreement by the Secretary or Superintendent of the Department, as the case may be, to which the funds were previously allocated.

Section 219. Amend Title 14, Chapter 6, Section 604, Delaware Code, by striking said section in its entirety and substituting in lieu thereof the following:

"(a) If any pupil attends special classes for the handicapped operated by a district other than that in which he resides, by an agency of the State Department of Public Instruction or a State Board of Education approved Private Placement of the Handicapped

pursuant to Section 3124 of this Title, the receiving district or the Department of Public Instruction shall collect a tuition charge for the nonresident pupil, provided approval for attendance has been granted by the sending district. Such tuition charge shall be paid by the school board of the reorganized school district in which the pupil is a resident from the proceeds of a local tax levied for this specific purpose, except that in the case of a district assigned by the State Board of Education to administer a school or program for handicapped persons, the district so assigned shall be both the sending and receiving district in regard to that school or program and is authorized to collect tuition charges accordingly.

(b) In determining the tuition to be charged for a pupil attending special classes for the handicapped operated by a district other than that in which the student resides or by an agency of the State Department of Public Instruction, the receiving district or the State Department of Public Instruction shall compute the tuition by adding: (1) The current year estimated expenses for salary supplements for the staff of the special classes, said salary supplements to be based on a salary supplement schedule not higher than the schedule in force in other schools in the district in which the special classes are located; and (2) other expenses attributable to operation of the special classes for which local funds are to be used in the current school year. The sum so obtained shall be divided by the total number of pupils in the special classes as of September 30 of the current school year. The resulting figure shall represent the amount of the "tuition charge" per pupil.

(c) In determining the tuition charged to the sending district in the case of Private Placement of the Handicapped, tuition will be defined as in Section 3124 of this Title and the sending district will be charged 30 percent of the total tuition cost. The remaining 70 percent will be covered through funding provided by the State Board of Education from the annual appropriation for this purpose.

(d) Section 602(c), (d), and (e) of this title shall apply to this section."

Section 220. Section 1 of this Act makes an appropriation which may be used for homebound instruction to the Public Education Block Grants and Pass Through Programs, Education Block Grants (95-03-10). School districts may form consortiums, utilizing homebound funds, to purchase or provide services. No homebound funds may be spent to provide services to students who have been suspended or expelled from school.

Section 221. Section 1 of this Act provides an appropriation of $249.7 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for Parent Early Education Center.

Section 222. General Fund appropriations to Public Education in Appropriation Units (95-03-00), (95-04-00) and the Delmar Tuition, General Contingency, Teacher of the Year, Desegregation Monitoring, and Debt Service Appropriations in Appropriation Units (95-01-00) and (95-02-00) shall not be subject to the limitations, as defined for Division I and Division II in Title 14, Chapter 17, Sections 1706 and 1709, Delaware Code.

Section 223. In order that the children for whom the learning disability and socially or emotionally maladjusted units were devised shall be the sole beneficiaries of all funds available for such children, the State Board of Education shall require strict adherence to approved guidelines before release of any funds designated for such children. The State Board of Education shall particularly ascertain that no educable, mentally handicapped are being classified as learning disabled; and that strict guidelines are developed to determine eligibility of socially or emotionally maladjusted children so that this category does not become a catch-all for low-achieving, unmotivated or disruptive pupils without serious physiological or neurological disorders. All pupils classified learning disabled or socially or emotionally maladjusted must be reevaluated at least every two years, except psychological evaluation shall be made at least every three years.

Section 224. Section 1 of this Act makes an appropriation of $344.3 to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for the Children's Services Cost Recovery Project.

The following local school districts have agreed to participate in the implementation of the Children's Services Cost Recovery Project for the fiscal year ending June 30, 1992: Appoquinimink, Brandywine, Christina, Red Clay Consolidated, Capital, Caesar Rodney, Indian River, Seaford, Sussex County Vocational-Technical, and Woodbridge. The following resources are appropriated to support implementation of the Children's Services Cost Recovery Project during the fiscal year ending June 30, 1992 in the aforenamed local school districts and participation is limited to the aforenamed local school districts. Should additional local school districts wish to participate in the implementation of the Children's Services Cost Recovery Project during the fiscal year ending June 30, 1992, such districts must submit a written letter of application to the State Superintendent of Public Instruction, the Budget Director, and the Controller General who shall base their decision on the availability of project staff and any other factor(s) which they deem appropriate.

Of the total amount appropriated, up to $23.0 may be allocated for supplies and up to $9.0 may be allocated for in-state travel, including reimbursement for the costs associated with operating personal vehicles pursuant to this section. No appropriation is made for the purchase of additional state-owned vehicles pursuant to this section. The appropriated funds for supplies and in-state travel pursuant to this section shall be dedicated to implementing the Children's Services Cost Recovery Project.

In addition, 10.0 full-time equivalent (FTE) staff positions are appropriated in accordance with the following stipulations: 1.0 FTE shall be a Cost Recovery Specialist at the Department of Public Instruction. The State Board of Education is hereby permitted to authorize the hiring of up to 9.0 FTE Financial Secretaries in the local school districts for the sole purpose of implementing this section. The State Board of Education shall designate specifications regarding required skills and abilities for the Financial Secretaries hired pursuant to this section. The Cost Recovery Specialist shall participate with the local school district personnel directors during the process of hiring the Financial Secretaries. For the Financial Secretaries hired pursuant to this section, the local salary supplement in place at the employing local school district shall be paid from this appropriation. Local employment benefits authorized by local contract shall not be paid from this appropriation.

Such staff hires shall be subject to the supervision of the Cost Recovery Specialist at the Department of Public Instruction and may be deployed among various local school districts in an itinerant manner according to the workflow demands of the Children's Services Cost Recovery Project. The sole responsibility of any staff position hired pursuant to this section shall be implementation of the Children's Services Cost Recovery Project.

Section 225. Section 1 of this Act provides an appropriation of $9.9 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the Delaware Nature Society. It is the intent that this money be used to provide summer programs including an eighth grade program in environmental heritage.

Section 226. Section 1 of this Act appropriates an amount in one-time funding of $45.0 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the Delaware Geographic Alliance. Up to the full amount of these funds shall be used to provide a 50% match to funds provided to the State by the National Geographic Society Education Foundation for the purposes of improving geography teaching methods and curriculum materials.

Section 227. Section 1 of this Act provides an appropriation of $101.9 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the READ-ALOUD Delaware Program. READ-ALOUD Delaware is to continue to develop and foster programs for the purpose of encouraging regular reading to preschool-aged children as an effective way to prepare them for learning. The monies passed through to READ-ALOUD Delaware shall be used to provide programs in each county, focused on the more disadvantaged segment of the population of preschool-aged children. The State Board of Education shall report annually on the number of children participating and the

effectiveness of the program.

Section 228. Section 1 of this Act provides an appropriation of $1,211.7 to Public Education, Block Grants and Pass Through Programs, Special Needs Programs, Private Placement of the Handicapped (95-03-20) to implement Title 14, Section 3124, Delaware Code. For the fiscal year ending June 30, 1992, any placement made pursuant to this Section shall be considered a special program placement and shall be eligible for inclusion in local school district tuition tax rate setting. Districts shall contribute 30 percent of the total cost associated with the placement of any district student in such a program. The provisions of the Delaware Code to the contrary notwithstanding, for the fiscal year ending June 30, 1992, the State Board of Education is authorized to continue a pilot project utilizing funds appropriated for private placement of the handicapped in Section 1 of this Act to develop unique program alternatives, in lieu of private placement, for up to 12 persons who have been, or who would otherwise be, identified as "complex or rare" and unable to benefit from the regularly offered free, appropriate public educational programs and up to three students in present education programs within this State whose individual education plan requires services not presently available within the present unit funding system. Unique program alternatives shall be defined and approved by the State Board of Education and may include, but not be limited to, related and supportive services. The State Board of Education shall report to the Governor and General Assembly on the progress of the pilot project by December 21, 1991.

Section 229. Section 1 of this Act appropriates $1,211.7 to the Public Education, Block Grants and Pass Through Programs, Special Needs Programs, Private Placement of the Handicapped (95-03-20). Before the State Board of Education can authorize expenditures for new placements from this appropriation, the case must be reviewed by the Interagency Treatment Planning and Service Delivery Team. The Interagency Treatment Planning and Service Delivery Team shall consist of:

Division Director, Division of Child Mental Health Services, of DSCYF;
Division Director, Division of Program Support of DSCYF;
Chairperson, Private Placement Committee of Department of Public Instruction;
Deputy Superintendent of Public Instruction for Instructional Services;
Division Director, Division of Mental Retardation of DHSS;
Division Director, Division of Alcoholism, Drug Abuse and Mental Health of DHSS;
Director of the Office of the Budget;
Controller General.

The Interagency Treatment Planning and Service Delivery Team shall invite to its meetings:

1. A representative of a responsible school district for the case under consideration;
2. The parents of the child;
3. Other persons the team believes can contribute to their deliberations.

The Interagency Treatment Planning and Service Delivery Team shall:

1. Review existing assessments of new referrals;
2. Prescribe, if required, additional assessments for new referrals;
3. Review proposed treatment plans of new referrals;
4. Recommend alternatives for treatment plans of new referrals;
5. Coordinate interagency delivery of services;
6. Review each existing Private Placement Case Treatment Plan for the appropriateness for transition plans for new treatments.

The Interagency Treatment Planning and Service Delivery Team will insure that State costs incurred as the result of a Team recommendation or assessment of a child currently funded from the Private Placement appropriation for this purpose in Section 1 of this Act will be covered from the existing appropriation. New referrals will be assessed in the inter-agency manner described above. The Interagency Treatment Planning and Service Delivery Team may accept and review up to 10 cases from agencies other than DPI. New referrals and these new non-DPI cases will employ Private Placement funding to cover State costs to the extent determined appropriate by the Interagency Treatment Planning and Service Delivery Team. Other agencies may recognize a portion of the responsibility for

the treatment of these children if determined appropriate by the Team.

The Interagency Treatment Planning and Service Delivery Team shall report on its activities to the Governor, Budget Director, President Pro-Tempore, Speaker of the House and Controller General by December 16, 1991, and April 15, 1992. The report shall include the following items:

(a) A summary of its experiences, including descriptions of interagency case management efforts toward cost effective treatment.

(b) A recommendation as to structure to provide a permanent mechanism for the operation of interagency treatment planning and case management.

(c) Recommendations for the permanent composition of the Interagency Case Management Team, the administration of its operation, budget and staff.

(d) Identification of other groups to which this process could, or should, be applied.

Section 230. Section 1 of this Act provides an appropriation of $719.6 to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for Exceptional Student Unit - Vocational. This appropriation shall be used to continue the program of vocational education for handicapped students in New Castle, Kent, and Sussex counties. The funds appropriated shall provide for Divisions I, II, and III funding for a maximum of six units in a single program. The unit shall be based upon 13,500 pupil minutes per week of instruction or major fraction thereof after the first full unit and shall be in addition to the funding otherwise provided under Title 14, Section 1703, Delaware Code. The deduct contained in Title 14, Section 1703(i), Delaware Code, shall not apply to the units authorized by this Section.

Section 231. Any provisions of the Delaware Code to the contrary notwithstanding, the State Board of Education is authorized and directed to provide an aide for the purpose of providing mainstreaming services to elementary deaf students in the Lake Forest School District, Caesar Rodney School District and Woodbridge School District.

Section 232. Section 1 of this Act provides an appropriation of $97.2 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for Advanced Studies. The State Board of Education shall transfer this appropriation to the University of Delaware to help fund a summer school program, for college credit, for gifted and talented students.

Section 233. Section 1 of this Act makes an appropriation to Public Education, Block Grants and Pass Through Programs, Education Block Grants (95-03-10). Of that amount, any amounts allocated to Delaware Skills Center shall be transferred to New Castle County Vocational Technical School District for Adult Education.

Section 234. Section 1 of this Act provides an appropriation to Public Education, Block Grants and Pass Through Programs, Education Block Grants (95-03-10). The State Board of Education shall transfer any amount allocated to the New Castle County Learning Center to the Christina School District for the purpose of continuing the services provided by the New Castle County Learning Center.

Section 235. Section 1 of this Act provides an appropriation to Public Education, Block Grants and Pass Through Programs, Education Block Grants (95-03-10). The State Board of Education shall transfer any funds allocated for the Adult Incarcerated Program to the New Castle County Vocational Technical School District which shall continue to administer this program.

Section 236. Section 1 of this Act provides, at the discretion of the State Board of Education, for the possible operation of a RE:Learning program. Funds shall be distributed to pilot schools that are to be selected by the State Board of Education. The goal of this program is to restructure the organization of individual schools to personalize instructional delivery systems to the needs of local student populations. These funds may be used to provide stipends for professional employees who participate in the planning process during the summer months or for those who take on additional responsibility during the school year, to provide travel costs or funds for supplies and materials, and/or to

permit hiring of additional personnel. Alternate uses may be approved by the State Board of Education. In order to implement this Section, the State Board shall have the authority to waive or suspend any and all requirements related to uses of funds contained in the Delaware Code or applicable State Board of Education regulations. Participating school districts must agree to at least maintain existing resource allocations to an individual pilot school site. If operated, the State Board of Education shall prepare a status report for submission to the Budget Director and the Controller General on or before October 15, 1991, regarding the activities of the pilot schools and the implications that their collective experiences have produced in terms of further refinements to the State formula aid system.

Section 237. Section 1 of this Act provides an appropriation of $90.0 to Public Education, Block Grants and Pass Through Programs, K-12 Pass Throughs (95-03-15) for the Delaware Institute for Arts in Education. The State Board of Education shall transfer this appropriation to the University of Delaware which acts as the fiscal agent for this State-wide program.

Section 238. It is the intent of the General Assembly that sabbatical leave authorized under Delaware Code, Title 14, Section 1325, at State expense, be limited to one full year leave or two 1/2 year leaves per local school district during the fiscal year ending June 30, 1992. Nothing in this section, however, shall prevent a school district from granting additional sabbatical leaves if the district pays the salary and other employment costs for the employee who is on leave.

Section 239. Section 1 of this Act provides, at the discretion of the State Board of Education, for the possible operation of a tuition reimbursement program for the purpose of reimbursing public school employees and teachers employed by State agencies for tuition payments for graduate college courses they successfully complete. Funds may only be used to reimburse certificated non-administrative employees. No payment shall be made unless the course taken, relates to the employee's job assignment and is taken with the prior approval of the employing district board, superintendent or State agency. Local school district Boards of Education are required to prioritize the allocation of the funds they receive to support the educational advancement efforts of regular education teachers taking special education and/or mainstreaming-related courses and other educational priorities established by the local boards of education based on staff development goals or to ameliorate identified deficiencies. A copy of each school district's prioritized plan for the allocation of these funds shall be filed with the State Board of Education by December 15, 1991.

Reimbursement for tuition may be made for courses taken during summer school or during the academic year for which a passing grade of C or better is obtained. No reimbursement shall be in excess of the tuition charged a Delaware resident taking a course with an equal number of credit hours at the University of Delaware. Of the total allocation made by the State Board, a minimum of .75 percent shall be allocated to State agencies and the balance shall be allocated to the several school districts in amounts equal to each school district's proportion of Division I units to the total number of Division I units state-wide on September 30, 1991. Any funds not expended by a school district or a State agency shall be transferred to other districts or agencies. In the event that any district's allocation is not sufficient to provide total reimbursement to all eligible employees, the district shall pro-rate the funds so that each eligible employee receives a share of the total district allocation equal to the individual employee's reimbursable expenditure divided by the total reimbursable expenditure of all employees in the district multiplied by the district allocation. Funding for each school district shall be divided into two equal parts. The first one-half shall be prorated as described above among eligible employees who complete their courses prior to February 1, 1992. The second one-half shall be prorated as described above among eligible employees who complete their courses prior to June 15, 1992. In the event that funds remain in either half year, the district shall be authorized to reallocate those funds to reimburse eligible employees in the other portion of the year who did not receive full reimbursement. This Section shall supersede collective bargaining agreements to the contrary.

Section 240. Section 1 of this Act provides an appropriation of $2,225.7 to Public Education, Block Grants and Pass Through Programs, Education Block Grants, Professional Accountability and Instructional Advancement Fund (95-03-10). This appropriation is to be used by the State Board of Education to operate staff development programs for educational personnel, programs to assess student performance and educator accountability initiatives which incorporate indicators of success as determined by the Board. As the ultimate objective of any educational staff development initiative ought to be increased student performance, the State Board of Education shall ensure that the operation of such programs benefits from an informed perspective on issues surrounding student assessment, curriculum improvement, school organization, site-based decision-making, and system-wide reform and restructuring in support of advancing the learning relationship between teachers and students.

Section 241. Section 1 of this Act makes an appropriation to Public Education, Block Grants and Pass Through Programs, Special Needs Programs (95-03-20) for Tech Prep 2+2. A Delaware Tech Prep Consortium is formed to provide for overall program development and management, coordination and technical assistance. The Consortium will review and provide technical assistance and in-service training for each proposal submitted to the State Board of Education by any partnership initiating or operating a tech prep program. The Consortium will adopt rules and regulations consistent with State regulations and federal legislation.

The Consortium Board of Directors shall include: the President, Delaware Technical And Community College; the Superintendent of New Castle County Vocational-Technical School District; Kent County Vocational-Technical School District; the Sussex County Vocational-Technical School District; the State Director of Vocational Education, Department of Public Instruction, (Ex-Officio); the Executive Director of Delaware Advisory Council on Career and Vocational Education; President or Designee, Delaware State College and Wilmington College and one representative of business and industry. The Superintendent or Designee of two comprehensive local school districts will also be appointed consistent with the rules and regulations of the consortium. Programs will be conducted in all three counties, on all campuses of Delaware Technical And Community College and other Postsecondary Institutions as specified by the consortium consistent with federal legislation. All Secondary Schools are eligible.

Kent County Vocational-Technical School District will act as financial agent for the consortium and an annual financial and program report will be submitted to the Co-Chair persons of the Delaware Legislative Joint Finance Committee.

The Consortium may select another member to serve as the financial agent in a subsequent year consistent with the rules and procedures it adopts.

Section 242. (a) Section 1 of this Act provides an appropriation of $2,830.7 to Public Education, Pupil Transportation (95-04-01) for Non-Public School Transportation Reimbursements. This appropriation shall be allocated for qualifying non-public, non-profit schools, based on the procedure adopted by the Joint Finance Committee on April 16, 1981.

(b) Transportation funds for public school districts during the fiscal year ending June 30, 1992, shall be allocated and shall not exceed $34,391.9, according to bus contract or district transportation formula, as adopted by the State Board of Education on July 23, 1987, subject to the following amendments and procedural modifications:

(1) The per gallon price used to calculate the gasoline allowance shall be based on the State contract bid price for unleaded gasoline plus $.07 per gallon for districts and plus $.28 per gallon for contractors. For districts and contractors north of the Chesapeake and Delaware Canal, the per gallon price shall be based on delivery to a large-sized tank (5,000 or more gallons). In the case of contractors located nouth of the Chesapeake and Delaware Canal, the per gallon price shall be based on delivery to a small-sized tank (275 - 1,900 gallons). Upon determination by the State Board of Education that a contractor located North of the Chesapeake and Delaware Canal and operating five or fewer buses does not have existing storage capacity in the large tank range, the per gallon price shall be based on the smaller tank size. During Fiscal Year 1992, the Department of Public Instruction is authorized to calculate

gasoline price adjustments for contractors based on a published price of gasoline. The source of this price must be agreed upon by the State Budget Director and Controller General and will be used as a proxy for fluctuations in the State bid price had a fixed price not been set. Adjustments will be made according to existing State Board of Education regulations.

(2) The Fiscal Year 1992 operating allowance adjustment for inflation shall be 4.43 percent.

(3) For the fiscal year ending June 30, 1992, the allowable cost of a new bus purchased by a contractor shall be the Fiscal Year 1991 State bid price for new buses minus 3 percent for salvage value, plus 4.43 percent for inflation and plus 10 percent to account for dealer charges and profits not reflected in the State bid price due to the higher number of buses being purchased and the lag time between the ordering and delivery. The State Board of Education shall continue to utilize the procedures developed in Fiscal Year 1989 for determining the allowable cost for any size bus that it did not bid in Fiscal Year 1991. In addition to the procedure for establishing the allowable cost of a new bus specified above, the State Board of Education is requested to structure its bids for buses in the fiscal year ending June 30, 1992, in such a manner that public school bus contractors will be permitted to purchase buses from the successful lower bidder at the same price as the State of Delaware. If a contractor elects to purchase a bus at the bid price, that bid price minus 3 percent for salvage value will be the allowable cost in subsequent reimbursements to the contractor.

(4) The formula rate for reimbursing public school bus contractors for the cost of liability insurance shall be determined by the State Board of Education in consultation with the Insurance Commissioner based on the data available on April 30 of the previous fiscal year.

(c) The State Board of Education shall amend its transportation formula to permit replacement of a vehicle which has operated 100,000 school-related miles and is seven model-years old or a vehicle which has operated 150,000 school-related miles regardless of the age of the vehicle.

(d) The State Board of Education is authorized to amend its formula to allow the purchase of diesel-powered buses as the minimum standard in those sizes where gasoline-powered buses are no longer available.

(e) Except as specified in the Section, or for changes in the price of gasoline, or for the adjustments of those items changed by State or federal laws, the State Board of Education shall not change the transportation formula unless the change has been authorized by the General Assembly and an appropriation therefore has been made by the General Assembly.

(f) An account called the Transportation Incentive Fund shall be established for each school district in the State which has a district-operated pupil transportation system. When the State Board of Education approves the district-operated pupil transportation funding allocation for a school district and initiates the transfer of State funds to the district transportation account, an amount equivalent to 10 percent of the district's prior year net allocation for district-operated pupil transportation shall be placed into the district's Transportation Incentive Fund account. Into the district's current year district-operated pupil transportation account shall be placed the difference between the current year district-operated pupil transportation allocation and the amount placed into the district's Transportation Incentive Fund account. Funds in the Transportation Incentive Fund account may be transferred at any time to the district transportation account. On June 1, 1992, any balance remaining in the Transportation Incentive Fund account may be transferred to Division II - All Other Costs if the district so chooses based on a projected year-end transportation surplus. In no case shall district transportation cost overruns be reimbursed with State funds if a transfer identified in the previous sentence has been made. If pupil transportation savings cannot be realized, up to

the full balance in the Transportation Incentive Fund account may be transferred to the school district's transportation account.

Section 243. (a) During the fiscal year ending June 30, 1992, the Department of Public Instruction is hereby directed to provide bus transportation of public school students previously declared ineligible by the Unique Hazards Committee, including the following:

(1) Students attending the Stanton Junior High School who are now forced to walk along Telegraph Road with a constant threat of injury.

(2) Students attending Mt. Pleasant High School who are now forced to walk along Marsh Road with a constant threat of injury.

(3) Students in the town of Seaford, living west of Conrail and north of the Nanticoke River, who attend the Seaford schools, grades K-6.

(4) Students attending Seaford Central Elementary who live in the area east of Conrail, north of the Nanticoke River, and west of Williams Pond, within the Seaford city limits.

(5) Students attending the Wilmington High School on Lancaster Avenue to Delaware Avenue in the north-south grid and on Jackson Street to duPont Street on the east-west grid.

(6) Students attending Newark High School who, live in Windy Hills, and are forced to walk along Kirkwood Highway with a constant threat of injury.

(7) Students attending schools in Laurel living in the areas of Lakeside Manor, Route 24 east of Laurel town limits, Route 13A South of Laurel town limits and Dogwood Acres.

(8) Students attending Delcastle Technical High School, who live in Newport, and are forced to walk along Centerville Road (Rt. 141) with a constant threat of injury.

(9) Students attending Woodbridge Junior-Senior High School who must travel along Route 13A south of Bridgeville, and students living west of Bridgeville who must travel along Route 404 or Route 18.

(10) Students attending Smyrna Middle School who reside in the Sunnyside Acres area between Sunnyside Road and U.S. 13 and who would otherwise be required to walk along U.S. 13 in order to reach school.

(11) Students attending the Concord High School who live south of Naamans Road in the Talleybrook-Chalfonte, Brandywood, Brandon and Beacon Hill areas who must walk along Grubb and/or Naamans Road with a constant threat of injury.

(12) Students attending Richardson Park School and Conrad Junior High School who live on Brookside Drive.

(13) Students attending the Laurel Elementary Schools in Grades K-6 who live in the Town of Laurel and the surrounding areas.

(14) Students attending Dover High School who live in Old Sherwood, south of Waples Avenue.

(15) Students attending the Mt. Pleasant Elementary School, who would be forced to walk along Bellevue Road.

(16) Students attending the Mt. Pleasant Elementary School, who would be forced to cross over and/or walk along River Road between Lore and Bellevue.

(17) Students attending the Douglas Kindergarten Center, who would be forced to walk along Route 2 (Union Street) or through Canby Park via the paths, with a constant threat of injury.

(18) K-3 - New Todd Estates Development to Jeannie Smith - because of hazards of Route 4 at Pierson Drive intersection.

(19) Children living in West Wilmington Manor who walk to Wilmington Manor Elementary School

The transportation of the students specified herein shall continue until the funds requested are appropriated and construction is completed. Spur routes shall continue to be served as at present.

Section 244. During the fiscal year ending June 30, 1992, the State Board of Education is hereby directed that students attending the Woodbridge School District, who live in the Canterbury Apartments in Bridgeville, will embark and disembark in the parking lot of the apartment complex in lieu of the bus stop area along the heavily traveled U.S. Route 13 Highway.

Approved July 1, 1991.

CHAPTER 85

FORMERLY

HOUSE BILL NO. 380

AN ACT TO MAKE A SUPPLEMENTARY APPROPRIATION FOR CERTAIN GRANTS-IN-AID FOR THE FISCAL YEAR ENDING JUNE 30, 1992; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (THREE-FOURTHS OF ALL THE MEMBERS ELECTED TO EACH HOUSE THEREOF CONCURRING THEREIN):

Section 1. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

Accounting Code	Organization/Description	Amount
	Dept. of Health & Social Services	
(35-01-10)	Office of Secretary	
	Adolescent Program	$ 493,000
(35-05-03)	Office of Paramedic Administration	
	Paramedic Program Operations	$ 4,500,000
(35-14-10)	Division of Aging	
	Senior Centers	
	Absolom Jones Senior Center	$ 100,738
	Brandywine Senior Center	71,991
	Bridgeville Senior Center	77,886
	Cape Henlopen Senior Center	126,116
	Chesapeake and Delaware Senior Center	44,862
	Clarence Fraim Senior Center	107,568
	DeLaWarr Senior Center	75,991
	Frederica Adult Center	63,305
	Georgetown CHEER Center	28,703
	Greenwood CHEER Center	28,703
	Harrington Senior Center	59,557
	Harvest Years Senior Center	32,557
	Howard Weston Senior Center	197,990
	Huling Cove Community Center-Lewes CHEER Center	43,661
	Indian River Senior Center	65,925
	Jewish Community Center	61,375
	Jimmy Jenkins Senior Center	61,399
	Julia Tallman Golden Age Center	61,356
	Kenton/Hartly Senior Center	55,476
	Kirkwood United Methodist Church Senior Center	24,752
	Laurel Senior Center	131,159
	Lewes Senior Citizens Center	36,386
	Los Abuelos Senior Center (Methodist Action Program)	20,656
	M.O.T. Senior Center	68,862
	Mid-County Senior Center	125,000
	Milford Senior Center	71,557
	Modern Maturity Center	175,186
	Nanticoke Senior Center	112,473
	New Castle Senior Center	54,754
	Newark Senior Center	102,460
	Northeast Senior Center	64,508
	Oak Grove Senior Center, Inc.	127,131
	Oak Orchard CHEER Center	28,703
	Peoples Settlement - Senior Citizens Program	52,043
	Roxana CHEER Center	28,703
	St. Ann's Neighborhood Services	81,226
	St. Anthony's Senior Center	83,906
	St. Hedwig's Senior Center	159,652
	St. Patrick's Senior Center	104,766

St. Peter's Adult Center	81,566
St. Thomas Senior Center	96,269
Sellers Senior Center	78,991
Slaughter Neck CHEER Center	28,703
Smyrna-Clayton Senior Center	23,506
South Wilmington Senior Adult Center	16,450
West Center City Senior Activity Center	73,556
Wilmington Senior Center	141,554

Department of Public Safety

(45-01-01)	Office of Secretary - Administration	
	Local Police Coordination	$ 41,300
	Aid to Local Law Enforcement	350,000
	TOTAL - Section 1	$ 8,943,937

Section 2. Funds are hereby appropriated to the following grants-in-aid in the amounts listed:

Category/Description	Amount
One-Time Items:	
Department of Public Safety - Aid to Local Law Enforcement	$ 1,400,000
Hockessin Fire Company	2,889
Selbyville Volunteer Fire Company	2,889
Arts/Historical/Cultural/Tourism	
Afro-American Historical Society of Delaware, Inc.	$ 16,200
Associated Community Talents, Inc.-The Everett Theater	15,000
Delaware Academy of Science-Iron Hill Museum	5,900
Delaware Agriculture Museum	35,000
Delaware City Day Committee	13,500
Delaware Humanities Council-Visiting Scholars Program	29,700
Delaware Nature Society, Inc.	10,000
Delaware State Fair	190,000
Greater Harrington Historical Society	13,100
Historic Red Clay Valley, Inc. Wilmington & Western Railroad	10,800
Historical Society of Delaware	56,500
Miss Delaware Pageant	6,200
Naaman's Kill Questors, Inc.	5,000
Nanticoke Indian Association, Inc.	7,600
New Castle - Separation Day	10,800
New Castle Historical Society	5,900
WHYY	380,000
Wilmington Garden Center, Inc.	9,000
Aging - Other	
Boys Club of Wilmington	$ 14,500
Geriatric Services of Delaware, Inc.	105,000
Meals on Wheels - Lewes and Rehoboth	35,500
Rehabilitative Opportunities for Homebound Residents	30,000
Sussex County Home Services (HOPE Program)	35,000
West Center City Community Center - Physical Fitness Program	6,900
Handicapped/Health/Labor	
AHEDD, Inc. - Dover	$ 23,000
AHEDD, Inc. - Wilmington	18,000
Adult Educable Mentally Retarded	42,000
Alliance for the Mentally Ill	35,000
American Diabetes Assoc. - Delaware Affiliate, Inc.	5,000
Arthritis Foundation	15,000
Association for Retarded Citizens, Inc.	8,000
Career Exploration Program, Inc.	34,000
Delaware Association for Blind Athletes	6,000
Delaware Association for the Blind	44,000
Delaware Elwyn Institute	18,000

Delaware Epilepsy Association	5,000
Delaware Hospice, Inc.	180,000
Delaware Nursing Centers, Inc. - Westside Health Service	10,000
Delaware Paralyzed Veterans Prosthetic Foundation, Inc.	27,000
Delaware Special Olympics	13,000
Easter Seal Society for Crippled Children & Adults of Delaware	79,000
Institute for Development of Human Resources	24,000
Jobs for Delaware Graduates	171,000
Kent/Sussex Industries	48,000
Mancus Foundation	33,000
Mary Campbell Center, Inc.	100,000
Mental Health Association in Delaware	13,500
National Multiple Sclerosis Society of Delaware	10,000

Family and Youth Services

Residential Treatment

Aid-in-Dover, Inc.	$ 43,000
Children's Home, Inc.	43,000
Diamond State Youth, Inc.	105,000
Independent Living, Inc.	85,000
Layton Home for Aged Persons	140,000
Minquadale Home, Inc. - Gilpin Hall	10,000
The Shepherd Place, Inc.	12,000

Other

Because We Care II	$ 12,000
Big Brothers/Big Sisters of Delaware, Inc.	42,500
Boys Club of Wilmington	16,500
Child Care Connection	69,000
Child, Inc.	73,000
Children's Bureau of Delaware	115,000
Delaware Assn. of Chiefs of Police - Camp Barnes	22,500
Del. Guidance Services for Children & Youth, Inc.	150,000
Del. State Headstart Parents Association	14,000
Family Services of Delaware	47,000
Jewish Family Service of Delaware	21,000
National Council on Agricultural Life and Research Fund, Inc.	28,000
Parents Anonymous of Delaware	30,000
Peoples Place II	88,000
Turnabout Counseling Center/Seaford Action Committee	170,000
United Cerebral Palsy of Delaware, Inc.,	50,000
YMCA of Southern Delaware - Mini-Bike	25,000
Youth Guidance Program	14,000

Adult Day Care

Total Living Care, Inc.	$ 25,000

Alcohol/Drug Abuse

1212 Program	$ 23,900
ANKH, Inc.	25,000
Center for Pastoral Care	31,500
Delaware Association for Children of Alcoholics	8,500
Limen House	37,000
Open Door, Inc.	117,000
Peoples Settlement Association	16,000
Resource Center, Inc.	48,000

Neighborhood/Community Services

American Red Cross, Delaware Chapter	$ 11,000
Casa San Francisco	48,300
Chesapeake Bay Girl Scout Council, Inc.	29,000
Civil Air Patrol - Cadet Program	15,000
Claymont Community Center	220,500
Community Legal Aid - Social Security Advocacy	93,500
CONTACT Delaware, Inc.	60,000
Delaware Crime Stoppers	10,000

Delaware Crop Improvement Association	2,500
Delaware Housing Coalition	16,000
Delaware Safety Council, Inc.	38,000
Delmarva Rural Ministries, Inc.	22,000
Eastlawn Area Human Services, Inc.	50,000
Eastside Citizens, Inc.	45,000
Edgemoor Educational and Recreational Community Center	170,000
First State Games, Inc.	5,000
Food Conservers	110,000
Girls Club of Delaware	32,500
Greater Elsmere Recreation & Education Center	132,300
Hilltop Lutheran Neighborhood Center	33,600
Hockessin Community Center	75,500
Home of Divine Providence, Inc.	37,000
Ingleside Homes, Inc.	33,000
Latin American Community Center, Inc.	32,000
M.O.T. Community Action	60,000
Mary Mother of Hope - House of Joseph	29,500
Mary Mother of Hope House - Phase I	51,500

Neighborhood/Community Services (cont.)

Mary Mother of Hope House - Phase II and III	$ 55,500
Mary Mother of Hope House - Emmanuel Dining Room	54,500
Mary Mother of Hope House - Job Placement Center	21,500
Methodist Mission and Church Extension Society, Inc. - Methodist Action Program	34,000
Neighborhood House, Inc.	48,800
Newark Housing Ministries	36,500
Richardson Park Community Action	15,000
Rosehill Community Center, Inc.	138,000
Salvation Army Emergency Housing	80,000
Salvation Army - Kent County Crisis Alleviation	28,000
Salvation Army - Supported Employment Program	5,000
Salvation Army - Sussex Crisis Alleviation	5,000
Seamen's Center of Wilmington, Inc.	5,000
Slaughter Neck Community Action Committee	38,000
Southbridge Medical Advisory Council, Inc. T/A Henrietta Johnson Medical Center	90,000
Southwest Wilmington Community Center	95,500
STEHM, Inc.	11,000
Sussex Community Crisis Housing Services, Inc.	18,000
Sussex County Community Action	53,000
Tri-State Bird Rescue and Research	20,400
Union Baptist Services	65,000
West End Neighborhood House, Inc.	32,500
Whatcoat Social Service Agency	50,000
YMCA of Delaware Eastern Sussex Family Branch	19,000
YWCA of New Castle County	168,000
TOTAL - Section 2	$ 7,821,678

Section 3. (a) There is appropriated to the listed fire companies the following sums to be used for the prevention and extinguishment of fires throughout the State and for the maintenance of apparatus and equipment:

New Castle County

Aetna Hose, Hook and Ladder Co.	Newark	$ 14,147
Belvedere Volunteer Fire Company	Belvedere	14,147
Brandywine Hundred Fire Co. No. 1	Bellefonte	14,147
Christiana Fire Co.	Christiana	14,147
Claymont Fire Co.	Claymont	14,147
Cranston Heights Fire Co.	Cranston Heights	14,147
Delaware City Fire Co.	Delaware City	14,147
Elsmere Fire Co.	Elsmere	14,147
Five Points Fire Co. No. 1	Richardson Park	14,147
Goodwill Fire Co. No. 1	New Castle	14,147
Hockessin Fire Co.	Hockessin	14,147
Holloway Terrace Fire Co.	Holloway Terrace	14,147
Mill Creek Fire Co.	Marshallton	14,147
Minquadale Fire Co.	Minquadale	14,147

Minquas Fire Co. No. 1	Newport	14,147
Odessa Fire Co., Inc.	Odessa	14,147
Port Penn Volunteer Fire Co., Inc.	Port Penn	14,147
Talleyville Fire Co., Inc.	Talleyville	14,147
Townsend Fire Co., Inc.	Townsend	14,147
Volunteer Hose Co., Inc.	Middletown	14,147
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	14,147

Kent County

Bowers Volunteer Fire Co., Inc.	Bowers	$ 14,147
Camden-Wyoming Fire Co.	Camden	14,147
Carlisle Fire Co.	Milford	14,147
Cheswold Volunteer Fire Co.	Cheswold	14,147
Citizens' Hose Co. No. 1, Inc.	Smyrna	14,147
Clayton Fire Co.	Clayton	14,147
Robbins Hose Co. (Dover Fire Dept.)	Dover	14,147
Farmington Volunteer Fire Co.	Farmington	14,147
Felton Community Fire Co.	Felton	14,147
Frederica Volunteer Fire Co.	Frederica	14,147
Harrington Fire Co.	Harrington	14,147
Hartly Volunteer Fire Co.	Hartly	14,147
Houston Volunteer Fire Co.	Houston	14,147
Leipsic Volunteer Fire Co.	Leipsic	14,147
Little Creek Volunteer Fire Co.	Little Creek	14,147
Magnolia Volunteer Fire Co.	Magnolia	14,147
Marydel Volunteer Fire Co., Inc.	Marydel	14,147
South Bowers Fire Co.	South Bowers	14,147

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	$ 14,147
Blades Volunteer Fire Co., Inc.	Blades	14,147
Bridgeville Volunteer Fire Co.	Bridgeville	14,147
Dagsboro Volunteer Fire Co.	Dagsboro	14,147
Delmar Fire Department	Delmar	14,147
Ellendale Volunteer Fire Co.	Ellendale	14,147
Frankford Volunteer Fire Co.	Frankford	14,147
Georgetown Fire Co., Inc.	Georgetown	14,147
Greenwood Volunteer Fire Co.	Greenwood	14,147
Gumboro Volunteer Fire Co.,Inc.	Gumboro	14,147
Indian River Volunteer Fire Co.	Indian River	14,147
Laurel Fire Department, Inc.	Laurel	14,147
Lewes Fire Department, Inc.	Lewes	14,147
Millsboro Fire Co.	Millsboro	14,147
Milton Volunteer Fire Co.	Milton	14,147
Millville Volunteer Fire Co.	Millville	14,147
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	14,147
Roxanna Volunteer Fire Co.	Roxanna	14,147
Seaford Volunteer Fire Dept., Inc.	Seaford	14,147
Selbyville Volunteer Fire Co., Inc.	Selbyville	14,147
Slaughter Beach Memorial Fire Co.	Slaughter Beach	14,147
	TOTAL	$ 848,820

(b) There is appropriated to the listed fire companies the following sums to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook and Ladder Co.	Newark	$ 1,938
Blades Volunteer Fire Co., Inc.	Blades	1,938
Bridgeville Volunteer Fire Co.	Bridgeville	1,938
Bowers Volunteer Fire Co., Inc.	Bowers	1,938
Brandywine Hundred Fire Co., No. 1	Bellefonte	1,938
Camden-Wyoming Fire Co.	Camden	1,938
Carlisle Fire Co.	Milford	1,938
Cheswold Volunteer Fire Co.	Cheswold	1,938
Christiana Fire Co.	Christiana	1,938
Claymont Fire Co.	Claymont	1,938
Cranston Heights Fire Co.	Cranston Heights	1,938
Dagsboro Volunteer Fire Co.	Dagsboro	1,938
Delaware City Fire Co.	Delaware City	1,938
Delmar Fire Department	Delmar	1,938

Ellendale Volunteer Fire Co.	Ellendale	1,938
Elsmere Fire Co.	Elsmere	1,938
Felton Community Fire Co.	Felton	1,938
Five Points Fire Co. No. 1	Richardson Park	1,938
Frankford Volunteer Fire Co. No. 1	Frankford	1,938
Frederica Volunteer Fire Co.	Frederica	1,938
Goodwill Fire Co. No. 1	New Castle	1,938
Greenwood Volunteer Fire Co.	Greenwood	1,938
Gumboro Volunteer Fire Co., Inc.	Gumboro	1,938
Harrington Fire Co.	Harrington	1,938
Hartly Volunteer Fire Co., Inc.	Hartly	1,938
Holloway Terrace Fire Co.	Holloway Terrace	1,938
Hockessin Fire Co.	Hockessin	1,938
Laurel Fire Department, Inc.	Laurel	1,938
Leipsic Volunteer Fire Co.	Leipsic	1,938
Lewes Fire Department, Inc.	Lewes	1,938
Magnolia Volunteer Fire Co.	Magnolia	1,938
Mill Creek Fire Co.	Marshallton	1,938
Millville Volunteer Fire Co., Inc.	Millville	1,938
Milton Volunteer Fire Co.	Milton	1,938
Minquadale Fire Co.	Minquadale	1,938
Minquas Fire Co. No. 1	Newport	1,938
Port Penn Volunteer Fire Co.	Port Penn	1,938
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,938
Roxanna Volunteer Fire Co.	Roxanna	1,938
Seaford Volunteer Fire Co., Inc.	Seaford	1,938
Selbyville Volunteer Fire Co., Inc.	Selbyville	1,938
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,938
Talleyville Fire Co., Inc.	Talleyville	1,938
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,938
	TOTAL	$ 85,272

(c) There is appropriated to the listed fire companies the following sums to be used for the maintenance and operation of rescue trucks in the public service:

Aetna Hose, Hook and Ladder Co.	Newark	$ 1,938
Bethany Beach Volunteer Fire Co.	Bethany Beach	1,938
Blades Volunteer Fire Co.	Blades	1,938
Bowers Volunteer Fire Co., Inc.	Bowers	1,938
Brandywine Hundred Fire Co. No. 1	Bellefonte	1,938
Bridgeville Volunteer Fire Co.	Bridgeville	1,938
Camden-Wyoming Fire Co.	Camden	1,938
Carlisle Fire Co.	Milford	1,938
Cheswold Volunteer Fire Co.	Cheswold	1,938
Christiana Fire Co.	Christiana	1,938
Citizens' Hose Co. No. 1, Inc.	Smyrna	1,938
Claymont Fire Co.	Claymont	1,938
Clayton Fire Co.	Clayton	1,938
Cranston Heights Fire Co.	Cranston Heights	1,938
Dagsboro Volunteer Fire Co.	Dagsboro	1,938
Delaware City Fire Co.	Delaware City	1,938
Delmar Fire Department	Delmar	1,938
Robbins Hose Co. (Dover Fire Dept.)	Dover	1,938
Elsmere Fire Co.	Elsmere	1,938
Farmington Volunteer Fire Co.	Farmington	1,938
Felton Community Fire Co.	Felton	1,938
Five Points Fire Co. No. 1	Richardson Park	1,938
Frederica Volunteer Fire Co.	Frederica	1,938
Georgetown Fire Co.	Georgetown	1,938
Greenwood Fire Co. No. 1	Greenwood	1,938
Goodwill Fire Co. No. 1	New Castle	1,938
Harrington Fire Co.	Harrington	1,938
Hartly Volunteer Fire Co., Inc.	Hartly	1,938
Hockessin Fire Co.	Hockessin	1,938
Holloway Terrace Fire Co.	Holloway Terrace	1,938
Indian River Volunteer Fire Co.	Indian River	1,938
Laurel Fire Dept., Inc.	Laurel	1,938
Leipsic Volunteer Fire Co.	Leipsic	1,938
Lewes Fire Department, Inc.	Lewes	1,938
Little Creek Volunteer Fire Co.	Little Creek	1,938
Magnolia Volunteer Fire Co.	Magnolia	1,938

Minquas Fire Co. No. 1	Newport	14,147
Odessa Fire Co., Inc.	Odessa	14,147
Port Penn Volunteer Fire Co., Inc.	Port Penn	14,147
Talleyville Fire Co., Inc.	Talleyville	14,147
Townsend Fire Co., Inc.	Townsend	14,147
Volunteer Hose Co., Inc.	Middletown	14,147
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	14,147

Kent County

Bowers Volunteer Fire Co., Inc.	Bowers	$ 14,147
Camden-Wyoming Fire Co.	Camden	14,147
Carlisle Fire Co.	Milford	14,147
Cheswold Volunteer Fire Co.	Cheswold	14,147
Citizens' Hose Co. No. 1, Inc.	Smyrna	14,147
Clayton Fire Co.	Clayton	14,147
Robbins Hose Co. (Dover Fire Dept.)	Dover	14,147
Farmington Volunteer Fire Co.	Farmington	14,147
Felton Community Fire Co.	Felton	14,147
Frederica Volunteer Fire Co.	Frederica	14,147
Harrington Fire Co.	Harrington	14,147
Hartly Volunteer Fire Co.	Hartly	14,147
Houston Volunteer Fire Co.	Houston	14,147
Leipsic Volunteer Fire Co.	Leipsic	14,147
Little Creek Volunteer Fire Co.	Little Creek	14,147
Magnolia Volunteer Fire Co.	Magnolia	14,147
Marydel Volunteer Fire Co., Inc.	Marydel	14,147
South Bowers Fire Co.	South Bowers	14,147

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	$ 14,147
Blades Volunteer Fire Co., Inc.	Blades	14,147
Bridgeville Volunteer Fire Co.	Bridgeville	14,147
Dagsboro Volunteer Fire Co.	Dagsboro	14,147
Delmar Fire Department	Delmar	14,147
Ellendale Volunteer Fire Co.	Ellendale	14,147
Frankford Volunteer Fire Co.	Frankford	14,147
Georgetown Fire Co., Inc.	Georgetown	14,147
Greenwood Volunteer Fire Co.	Greenwood	14,147
Gumboro Volunteer Fire Co.,Inc.	Gumboro	14,147
Indian River Volunteer Fire Co.	Indian River	14,147
Laurel Fire Department, Inc.	Laurel	14,147
Lewes Fire Department, Inc.	Lewes	14,147
Millsboro Fire Co.	Millsboro	14,147
Milton Volunteer Fire Co.	Milton	14,147
Millville Volunteer Fire Co.	Millville	14,147
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	14,147
Roxanna Volunteer Fire Co.	Roxanna	14,147
Seaford Volunteer Fire Dept., Inc.	Seaford	14,147
Selbyville Volunteer Fire Co., Inc.	Selbyville	14,147
Slaughter Beach Memorial Fire Co.	Slaughter Beach	14,147
	TOTAL	$ 848,820

(b) There is appropriated to the listed fire companies the following sums to be used for the maintenance and operation of ambulances in the public service:

Aetna Hose, Hook and Ladder Co.	Newark	$ 1,938
Blades Volunteer Fire Co., Inc.	Blades	1,938
Bridgeville Volunteer Fire Co.	Bridgeville	1,938
Bowers Volunteer Fire Co., Inc.	Bowers	1,938
Brandywine Hundred Fire Co., No. 1	Bellefonte	1,938
Camden-Wyoming Fire Co.	Camden	1,938
Carlisle Fire Co.	Milford	1,938
Cheswold Volunteer Fire Co.	Cheswold	1,938
Christiana Fire Co.	Christiana	1,938
Claymont Fire Co.	Claymont	1,938
Cranston Heights Fire Co.	Cranston Heights	1,938
Dagsboro Volunteer Fire Co.	Dagsboro	1,938
Delaware City Fire Co.	Delaware City	1,938
Delmar Fire Department	Delmar	1,938

Ellendale Volunteer Fire Co.	Ellendale	1,938
Elsmere Fire Co.	Elsmere	1,938
Felton Community Fire Co.	Felton	1,938
Five Points Fire Co. No. 1	Richardson Park	1,938
Frankford Volunteer Fire Co. No. 1	Frankford	1,938
Frederica Volunteer Fire Co.	Frederica	1,938
Goodwill Fire Co. No. 1	New Castle	1,938
Greenwood Volunteer Fire Co.	Greenwood	1,938
Gumboro Volunteer Fire Co., Inc.	Gumboro	1,938
Harrington Fire Co.	Harrington	1,938
Hartly Volunteer Fire Co., Inc.	Hartly	1,938
Holloway Terrace Fire Co.	Holloway Terrace	1,938
Hockessin Fire Co.	Hockessin	1,938
Laurel Fire Department, Inc.	Laurel	1,938
Leipsic Volunteer Fire Co.	Leipsic	1,938
Lewes Fire Department, Inc.	Lewes	1,938
Magnolia Volunteer Fire Co.	Magnolia	1,938
Mill Creek Fire Co.	Marshallton	1,938
Millville Volunteer Fire Co., Inc.	Millville	1,938
Milton Volunteer Fire Co.	Milton	1,938
Minquadale Fire Co.	Minquadale	1,938
Minquas Fire Co. No. 1	Newport	1,938
Port Penn Volunteer Fire Co.	Port Penn	1,938
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,938
Roxanna Volunteer Fire Co.	Roxanna	1,938
Seaford Volunteer Fire Co., Inc.	Seaford	1,938
Selbyville Volunteer Fire Co., Inc.	Selbyville	1,938
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,938
Talleyville Fire Co., Inc.	Talleyville	1,938
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,938
	TOTAL	$ 85,272

(c) There is appropriated to the listed fire companies the following sums to be used for the maintenance and operation of rescue trucks in the public service:

Aetna Hose, Hook and Ladder Co.	Newark	$ 1,938
Bethany Beach Volunteer Fire Co.	Bethany Beach	1,938
Blades Volunteer Fire Co.	Blades	1,938
Bowers Volunteer Fire Co., Inc.	Bowers	1,938
Brandywine Hundred Fire Co. No. 1	Bellefonte	1,938
Bridgeville Volunteer Fire Co.	Bridgeville	1,938
Camden-Wyoming Fire Co.	Camden	1,938
Carlisle Fire Co.	Milford	1,938
Cheswold Volunteer Fire Co.	Cheswold	1,938
Christiana Fire Co.	Christiana	1,938
Citizens' Hose Co. No. 1, Inc.	Smyrna	1,938
Claymont Fire Co.	Claymont	1,938
Clayton Fire Co.	Clayton	1,938
Cranston Heights Fire Co.	Cranston Heights	1,938
Dagsboro Volunteer Fire Co.	Dagsboro	1,938
Delaware City Fire Co.	Delaware City	1,938
Delmar Fire Department	Delmar	1,938
Robbins Hose Co. (Dover Fire Dept.)	Dover	1,938
Elsmere Fire Co.	Elsmere	1,938
Farmington Volunteer Fire Co.	Farmington	1,938
Felton Community Fire Co.	Felton	1,938
Five Points Fire Co. No. 1	Richardson Park	1,938
Frederica Volunteer Fire Co.	Frederica	1,938
Georgetown Fire Co.	Georgetown	1,938
Greenwood Fire Co. No. 1	Greenwood	1,938
Goodwill Fire Co. No. 1	New Castle	1,938
Harrington Fire Co.	Harrington	1,938
Hartly Volunteer Fire Co., Inc.	Hartly	1,938
Hockessin Fire Co.	Hockessin	1,938
Holloway Terrace Fire Co.	Holloway Terrace	1,938
Indian River Volunteer Fire Co.	Indian River	1,938
Laurel Fire Dept., Inc.	Laurel	1,938
Leipsic Volunteer Fire Co.	Leipsic	1,938
Lewes Fire Department, Inc.	Lewes	1,938
Little Creek Volunteer Fire Co.	Little Creek	1,938
Magnolia Volunteer Fire Co.	Magnolia	1,938

Marydel Volunteer Fire Co.	Marydel	1,938
Mill Creek Fire Co.	Marshallton	1,938
Millsboro Fire Co.	Millsboro	1,938
Millville Volunteer Fire Co., Inc.	Millville	1,938
Milton Volunteer Fire Co.	Milton	1,938
Minquadale Fire Co.	Minquadale	1,938
Minquas Fire Co. No. 1	Newport	1,938
Odessa Fire Co., Inc.	Odessa	1,938
Port Penn Volunteer Fire Co., Inc.	Port Penn	1,938
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	1,938
Roxanna Volunteer Fire Co.	Roxanna	1,938
Seaford Volunteer Fire Department, Inc.	Seaford	1,938
Selbyville Fire Co., Inc.	Selbyville	1,938
Slaughter Beach Memorial Fire Co.	Slaughter Beach	1,938
South Bowers Fire Co.	South Bowers	1,938
Ellendale Volunteer Fire Co.	Ellendale	1,938
Houston Volunteer Fire Co.	Houston	1,938
Talleyville Fire Co., Inc.	Talleyville	1,938
Townsend Fire Co.,Inc.	Townsend	1,938
Volunteer Hose Co., Inc.	Middletown	1,938
Wilmington Manor Volunteer Fire Co., Inc.	Wilmington Manor	1,938
	TOTAL	$ 110,466

(d) There is appropriated to the listed fire companies the following sums to be used for the maintenance of aerial or platform trucks and for the training of personnel in the techniques of extinguishing highrise fires throughout Delaware:

New Castle County

Aetna Hose, Hook and Ladder Co.	Newark	$ 2,889
Brandywine Hundred Fire Co., No. 1	Bellefonte	2,889
Christiana Fire Co.	Christiana	2,889
Claymont Fire Co.	Claymont	2,889
Delaware City Fire Co.	Delaware City	2,889
Elsmere Fire Co.	Elsmere	2,889
Five Points Fire Co. No. 1	Richardson Park	2,889
Goodwill Fire Co.No. 1	New Castle	2,889
Hockessin Fire Co.	Hockessin	2,889
Mill Creek Fire Co.	Marshallton	2,889
Selbyville Volunteer Fire Co., Inc.	Selbyville	2,889
Talleyville Fire Co., Inc.	Talleyville	2,889
Volunteer Hose Co., Inc.	Middletown	2,889
Wilmington Manor Volunteer Fire Co.	Wilmington Manor	2,889

Kent County

Camden-Wyoming Fire Company	Camden	$ 2,889
Carlisle Fire Co.	Milford	2,889
Citizens' Hose Co., No. 1, Inc.	Smyrna	2,889
Hartly Volunteer Fire Co., Inc.	Hartly	2,889
Robbins Hose Co., (Dover Fire Dept.)	Dover	2,889

Sussex County

Bethany Beach Volunteer Fire Co.	Bethany Beach	$ 2,889
Lewes Fire Department, Inc.	Lewes	2,889
Millsboro Fire Co.	Millsboro	2,889
Rehoboth Beach Volunteer Fire Co., Inc.	Rehoboth Beach	2,889
Seaford Volunteer Fire Co., Inc.	Seaford	2,889
	TOTAL	$ 69,336

(e) There is appropriated to the listed fire companies the following sums to be used for the maintenance and operation of rescue boats in the public service:

Bowers Volunteer Fire Co., Inc	Bowers	$ 1,750
Citizens' Hose Co. No. 1, Inc.	Smyrna	1,750
Delaware City Fire Co.	Delaware City	1,750
Goodwill Fire Co. No. 1	New Castle	1,750

Holloway Terrace Fire Co.	Holloway Terrace	1,750
Leipsic Volunteer Fire Co.	Leipsic	1,750
Little Creek Volunteer Fire Co.	Little Creek	1,750
Milton Volunteer Fire Co.	Milton	1,750
Port Penn Volunteer Fire Co., Inc.	Port Penn	1,750
Roxanna Volunteer Fire Co.	Roxanna	1,750
South Bowers Fire Co.	South Bowers	1,750
	TOTAL	$ 19,250

(f) There is appropriated to the Mayor and Council of Wilmington the following sums to be used for:

(i) The prevention and extinguishment of fires throughout the City of Wilmington and for the maintenance of the apparatus and equipment of the 8 fire companies organized and equipped in the City.	$	99,029
(ii) The maintenance of aerial or platform trucks and for the training of personnel in the techniques of extinguishing highrise fires throughout the City of Wilmington.	$	5,778
(iii) The maintenance and operation of rescue boats in the public service.	$	1,750
TOTAL	$	106,557

(g) There is appropriated to the listed fire companies the following sums to help level up the insurance premium tax revenues to be used for the maintenance of apparatus and equipment:

Bethany Beach Volunteer Fire Co.	Bethany Beach	$ 18,553
Blades Volunteer Fire Co., Inc.	Blades	18,553
Bowers Volunteer Fire Co., Inc.	Bowers	18,553
Bridgeville Volunteer Fire Co.	Bridgeville	18,553
Camden-Wyoming Fire Co.	Camden	18,553
Carlisle Fire Co.	Milford	18,553
Cheswold Volunteer Fire Co.	Cheswold	18,553
Citizens' Hose Co. No. 1, Inc.	Smyrna	18,553
Clayton Fire Co.	Clayton	18,553
Dagsboro Volunteer Fire Co.	Dagsboro	18,553
Delmar Fire Department	Delmar	18,553
Robbins Hose Co., (Dover Fire Dept.)	Dover	18,553
Ellendale Volunteer Fire Co.	Ellendale	18,553
Farmington Volunteer Fire Co.	Farmington	18,553
Felton Community Fire Co.	Felton	18,553
Frankford Volunteer Fire Co.	Frankford	18,553
Frederica Volunteer Fire Co.	Frederica	18,553
Georgetown Fire Co., Inc.	Georgetown	18,553
Greenwood Volunteer Fire Co.	Greenwood	18,553
Gumboro Volunteer Fire Co., Inc.	Gumboro	18,553
Harrington Fire Co.	Harrington	18,553
Hartly Volunteer Fire Co.	Hartly	18,553
Houston Volunteer Fire Co.	Houston	18,553
Indian River Volunteer Fire Co.	Indian River	18,553
Laurel Fire Department, Inc.	Laurel	18,553
Leipsic Volunteer Fire Co.	Leipsic	18,553
Lewes Fire Department, Inc.	Lewes	18,553
Little Creek Volunteer Fire Co.	Little Creek	18,553
Magnolia Volunteer Fire Co.	Magnolia	18,553
Marydel Volunteer Fire Co., Inc.	Marydel	18,553
Millsboro Fire Co.	Millsboro	18,553
Milton Volunteer Fire Co.	Milton	18,553
Millville Volunteer Fire Co.	Millville	18,553
Rehoboth Beach Volunteer Fire Co.	Rehoboth Beach	18,553

Roxanna Volunteer Fire Co.	Roxanna		18,553
Seaford Volunteer Fire Dept., Inc.	Seaford		18,553
Selbyville Volunteer Fire Co., Inc.	Selbyville		18,553
Slaughter Beach Memorial Fire Co.	Slaughter Beach		18,553
South Bowers Fire Co.	South Bowers		18,553
	TOTAL	$	723,567

(h) There is appropriated to the listed organizations the following sums to be used for the operation and maintenance of ambulances in the public service:

Mid-Sussex Rescue Squad, Inc.	Millsboro	$	1,938
American Legion, Sussex Post #8	Georgetown		1,938
American Legion, Kent Post #14	Smyrna		1,938
Sussex Memorial Post #7422, V.F.W.	Millsboro		1,938
TOTAL		$	7,752

Total - Section 3 $ 1,971,020

Section 4. (a) Funds are hereby appropriated to the following grants-in-aid in the amounts listed and shall be used to furnish services through a duly selected service officer to Delaware Veterans of the Armed Forces of the United States, their widows and orphans, by providing contact services in Sussex, Kent and New Castle Counties:

American Legion, Department of Delaware	$	25,402
Veterans of Foreign Wars, Department of Delaware		25,402
Disabled American Veterans, Department of Delaware		21,165
Vietnam Veterans of America, Department of Delaware		21,165
Paralyzed Veterans of America, Department of Delaware		21,165

(b) Funds are hereby appropriated to the following grants-in-aid in the amounts listed for operations expenses:

Veterans of Foreign Wars, Department of Delaware	$	6,177
American Legion, Department of Delaware		6,177
Disabled American Veterans, Department of Delaware		6,177
Vietnam Veterans of America		6,177
Jewish War Veterans of the U.S., Department of Delaware		3,536
Delaware Veterans of World War I		2,641
Paralyzed Veterans of America, Department of Delaware		5,295

(c) Expenses for Memorial Day programs incurred by local Posts in Sussex, Kent and New Castle Counties shall be reimbursed out of operation expenses appropriated in subsection (b) of this Section on vouchers properly submitted to and approved by their representative veterans' organizations.

(d) The sum of $4,993 is hereby appropriated to the American Legion, Department of Delaware, for the bearing of expenses incident to the holding of Boys' State.

(e) The sum of $4,993 is hereby appropriated to the American Legion Auxiliary, Department of Delaware, for the bearing of expenses incident to the holding of Girls' State.

(f) The sum of $1,995 is hereby appropriated to the American Legion, Department of Delaware, for the bearing of expenses incident to the holding of Trooper Youth Week in conjunction with the Delaware State Police.

(g) The funds appropriated by this Section shall be paid to the Finance Officer of the respective veterans' organizations, upon warrants signed by the proper Finance Officer and approved by the Secretary, Department of Finance.

TOTAL - Section 4 $ 162,460

Section 5. Section 1 of this Act appropriates $190,000 to the Delaware State Fair. Of that amount, $65,000 shall be used for prizes for achievements in agriculture, animal raising and in works of manual training and the domestic arts to be awarded at the annual State Fair and shall be paid by the State Treasurer at the beginning of the first quarter of Fiscal Year 1992. The remaining $125,000 shall be paid in quarterly allotments, as provided in Chapter 65, Section 6505 of Title 29, Delaware Code.

Section 6. The appropriation in Section 2 of this Act to the Delaware Association of Chiefs of Police shall be used for the purpose of maintaining and operating Camp Barnes for the recreation of deserving youths from throughout the State.

Section 7. The sums appropriated to the various Senior Centers in Section 1 of this Act shall be made available to the Division of Aging in order to meet the State's matching requirement for federal funds appropriated under the Older Americans Act of 1965, as amended. Those senior centers receiving funds under the Older Americans Act of 1965, as amended, shall present to the Division of Aging a proposal for expenditure of State funds. The proposal submitted to the Division of Aging shall be prepared in accordance with the guidelines established for the administration of programs under the Older Americans Act.

Section 8. The provisions of House Joint Resolution No. 2, as amended by House Amendment No. 1, of the 132nd General Assembly shall continue in effect for the term of this Act.

Section 9. No funds appropriated in this Act shall be expended in a political campaign or for partisan political purposes.

Section 10. The Controller General may from time to time conduct performance audits of any non-state agency for which funds are appropriated in this Act.

Section 11. Funds appropriated in this Act shall not be used by any agency to provide child day care. It is the intent of the General Assembly that no funds will be appropriated in Fiscal Year 1993 in grants-in-aid to agencies for the purchase of capital equipment, relocation, rehabilitation, renovation or purchase of buildings. Organizations will not be eligible for consideration of a grant-in-aid appropriation unless they have been incorporated and operating for a two-year period prior to June 30th of the fiscal year in which they apply for funding for the following fiscal year.

Section 12. This Act is a supplementary appropriation and the monies appropriated shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended or unencumbered as of June 30, 1992, shall revert to the General Fund of the State of Delaware.

Section 13. (a) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation in Section 2 of this Act at the beginning of the first quarter of Fiscal Year 1992 for the agencies as follows:

Association for Retarded Citizens
Delaware Association for Blind Athletes
Delaware Association of Police Chiefs - Camp Barnes
Delaware City Day Committee
Miss Delaware Pageant
National Multiple Sclerosis Society
New Castle - Separation Day
West Center City Community Center - Physical Fitness Program

(b) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation in Section 1 of this Act at the beginning of the first quarter of Fiscal Year 1992 for the municipalities which receive $6,000 or less from the line item Aid to Local Law Enforcement.

(c) The State Treasurer is authorized to take the necessary steps to make a total payment of the appropriation to fire companies listed in Section 3 of this Act at the beginning of the first quarter of Fiscal Year 1992.

(d) Section 2 appropriates funds to the First State Games, Inc. Provided satisfactory evidence is presented to the Controller General that the First State Games will be held in F.Y. 1992 or in July 1992, the State Treasurer shall disburse to the First State Games, Inc. the amount appropriated in its entirety.

Section 14. Paragraph (d), Chapter 65, Title 29, Delaware Code, provides that monies appropriated for grants-in-aid shall be paid in installments of twenty-five percent each quarter of the fiscal year. An installment payment may

be delayed or withheld if the grant-in-aid recipient because of, but not limited to, the following:

(a) Has not submitted a quarterly statement of expenditures if required to do so;

(b) Expended funds from the grant-in-aid for purposes not intended by the General Assembly;

(c) Expended funds for day care, purchase of capital equipment, relocation, renovation, rehabilitation or purchase of buildings; and

(d) Agency is no longer in operation.

Upon notification by the Chairman of the Joint Finance Committee, the State Treasurer shall be directed to withhold such installment payment(s).

Section 15. (a) It is the intent of the General Assembly that each Grant-in-Aid recipient shall submit one of the following with its application for a grant award in Fiscal Year 1993:

(i) An audit prepared by a Certified Public Accountant covering the prior full fiscal year of the receiving agency, or

(ii) A Balance Sheet reflecting total Assets, Liabilities, and Fund Balances covering the prior fiscal year of the receiving agency; Statements of Support, Revenue and Expenses and Changes in Fund Balances covering the prior fiscal year of the receiving agency; and Statements of Functional Expenses covering the prior fiscal year of the receiving agency.

(b) Fire companies listed in this Act shall submit financial information on the form approved by the State Treasurer, the Budget Director and the Controller General. The listed fire companies are exempt from the provisions of Subsection (a) of this Section.

(c) Veterans' organizations in Subsection (4) of this Act are exempt from the provisions of this Section.

(d) Recipients of the appropriations for Aid to Local Law Enforcement shall be exempt from the provisions of this Section.

(e) Non-compliance by a Grant-in-Aid recipient with the provisions of this Section shall automatically disqualify the applicant for consideration of a Grant-in-Aid award in Fiscal Year 1993.

(f) For Fiscal Year 1992, it is the legislative intent that a Grant-in-Aid recipient listed in Sections 1 or 2 of this Act shall not be entitled to receive any of the funds appropriated by this Act unless certain financial information has been received by the Office of the Controller General on or before July 25, 1991. Such financial information shall be in the form as defined in Subsection (a)(i) or Subsection (a)(ii) of this Section covering full fiscal year of the receiving agency. If any Grant-in-Aid recipient fails to comply with this Subsection (f) the funds appropriated by this Act to that recipient shall revert to the General Fund of the State.

Section 16. (a) Section 2 of this Act appropriates a one-time item to the Department of Public Safety - Aid to Local Law Enforcement in the amount of one million four hundred thousand dollars ($1,400,000) for the purpose of contracting with local law enforcement agencies for Emergency Illegal Drug Enforcement programs.

(b) There is hereby established a Drug Emergency Fund for Local Law Enforcement Agencies to be administered by the State Aid to Local Law Enforcement Committee (SALLE) and disbursed by the Department of Public Safety under authorized contracts.

(c) Local law enforcement agencies are encouraged to develop and maintain increased programs to combat illegal drug manufacturing, sale, and abuse. The Department of Public Safety may contract with any local law enforcement agency which qualifies under standards established by the SALLE Committee to establish and maintain emergency programs to increase their efforts to combat illegal drug use and abuse. No part of this appropriation may be used to

supplant funds already committed by a local law enforcement agency to regular police operations, or to pay salaries of full-time police officers and supporting personnel authorized by said agency as of June 30, 1991.

(d) The funds appropriated in Section 2 for the Department of Public Safety - Aid to Local Law Enforcement shall be allocated according to the formula presently used by the SALLE Committee as revised from time to time.

(e) Local law enforcement agencies may combine their allocations, upon approval of the SALLE Committee, to support a pool arrangement to fund a contiguous area served by more than one local law enforcement agency.

(f) Each local law enforcement agency contracting for an allocation shall, not later than April 1, 1992, report in detail the plan under which such funds are being expended, and any other information requested by the SALLE Committee. The SALLE Committee shall report to the General Assembly of the State of Delaware on or before May 1, 1992, as to the agencies that were awarded grants from these funds, the amount of the grant, and the purpose of the grant.

Section 17. For Fiscal Year 1992, the remaining balance in Account Number F.Y. 91 (35-05-03-01-80) shall remain as a continuing appropriation and shall not be subject to reversion until June 30, 1992. This amount shall be appropriated for operational costs associated with each county's paramedic service for Advanced Life Support in F.Y. 1992.

Section 18. Section 1 of this Act makes an appropriation to the Department of Health & Social Services, Public Health, Office of Paramedic Administration (35-05-03), for the state component of the operational costs associated with each county's paramedic service for Advanced Life Support. These funds shall be disbursed by the Office of Paramedic Administration on a quarterly basis to counties that operate approved programs.

The Office of Paramedic Administration shall have an audit performed by the State Auditor annually to insure that reimbursement to the counties for the State share of costs was for approved Advanced Life Support Services. Adjustments shall be made to the final quarterly reimbursement based on the audit results.

Approved July 1, 1991.

CHAPTER 86

FORMERLY

HOUSE BILL NO. 360
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 7 AND 23 OF THE DELAWARE CODE RELATING TO PERMIT FEES AND OTHER ASSESSMENTS CHARGED BY THE DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL AND TO AUTHORIZE AND APPROVE VARIOUS PERMIT FEES AND ASSESSMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend §4701(a), Title 7, Delaware Code, by deleting subparagraph §4701(a)(5)(A) in its entirety and inserting in lieu thereof the following:

"(5)(A) Establish and collect such user charges, which shall approximate and reasonably reflect all costs necessary to defray the expenses of the Department for the use of the facilities and services it provides in areas it administers. The Department shall, in addition, establish and impose a schedule of fees for entrance to state parks and for surf fishing vehicles and snowmobiles on said lands, with the concurrence and approval of the General Assembly. The Secretary of the Department of Natural Resources and Environmental Control shall establish the period and areas on which park fees and user charges shall be imposed. The Secretary shall annually prepare a schedule of park entrance and surf fishing vehicle and snowmobile fees pursuant to this section and submit the same as part of the Department's annualoperating budget proposal. All of the fees collected pursuant to this section shall be deposited in the General Fund of this State and designated solely for park operations and maintenance; provided, however, that no fee shall be imposed on any recognized veteran's service organization for the use of any state park or portion thereof for purposes of patriotic or memorial services, provided that advance written notification of not less than 15 days is given to the agency and does not conflict with other previously scheduled activities within the park."

Section 2. Amend §4701(e), Title 7, Delaware Code, by striking said subsection in its entirety.

Section 3. Amend §6003, Title 7, Delaware Code, by adding a new subsection "(f)" to read as follows:

"(f) The Secretary may establish fees for permits issued pursuant to this section with the concurrence and approval of the General Assembly. The Secretary shall annually prepare a schedule of fees for permits issued pursuant to this section and submit the same as part of the Department's annual operating budget proposal."

Section 4. Amend §6007(f), Title 7, Delaware Code by striking the figure and number "$40" as they appear in said subsection and substituting in lieu thereof the figure and number "$50".

Section 5. Amend §6319(a), Title 7, Delaware Code, by striking said subsection in its entirety and inserting in lieu thereof the following:

"(a) The Secretary is hereby authorized to impose and collect waste-end assessments in accordance with this section but in no case shall any person pay an annual assessment amount of less than $50 or more than $40,000 regardless of the number of facilities where hazardous waste is generated, treated, stored, or disposed."

Section 6. Amend §6319(f), Title 7, Delaware Code, by striking the figures and numbers "$12", "$9", and "$2" as they appear in paragraphs (1), (2) and (3) of said subsection respectively, and inserting in lieu thereof the figures and numbers "$21", "$16", and "$4" respectively.

Section 7. Amend §6319(g), Title 7, Delaware Code, by striking the amounts "$12" and "$9" as they appear in said subsection and inserting in lieu thereof the amounts "$21" and "$16" respectively.

Section 8. Amend §7005, Title 7, Delaware Code, by adding a new subsection "(e)" to read as follows:

"(e) The Secretary shall annually prepare a schedule of fees for permits issued pursuant to this Section and submit the same as part of the Department's annual operating budget proposal."

Section 9. Amend §7205, Title 7, Delaware Code, by redesignating the existing section as subsection "(a)" and by adding a new subsection "(b)" to read as follows:

"(b) The Secretary shall annually prepare a schedule of fees for permits issued pursuant to this Section and submit the same as part of the Department's annual operating budget proposal."

Section 10. Amend §7714(a), Title 7, Delaware Code, by deleting said subsection in its entirety and inserting in lieu thereof the following:

"(a) The Department is authorized to charge and collect fees from persons with extremely hazardous substances registered pursuant to §7709 of this title. Fees shall be a minimum of $500 per year for the first unit and $25 per year for each additional unit to a maximum of 300 units."

Section 11. Amend §2113(a), Title 23, Delaware Code, by striking said subsection in its entirety and inserting in lieu thereof the following:

"(a) Effective January 1, 1994, all vessels subject to this subchapter shall be divided into classes as follows and subject to the appropriate registration fees:

Class A - less than 16 feet	$10.00 per year
Class 1 - 16 feet or over and less than 26 feet in length	$20.00 per year
Class 2 - 26 feet or over and less than 40 feet in length	$30.00 per year
Class 3 - 40 feet or over and less than 65 feet in length	$50.00 per year
Class 4 - 65 feet or over and not required to be documented	$60.00 per year."

Section 12. Amend §2113(f), Title 23, Delaware Code by striking the figure and number "$10.00" as they appear in said subsection and substituting in lieu thereof the figure and number "$35.00".

Section 13. Amend §2113(g), Title 23, Delaware Code, by deleting said subsection in its entirety and substituting in lieu thereof the following:

"(g) Beginning July 1, 1991, one-half of the funds derived by the State pursuant to this Section shall be deposited by the Department with the State Treasurer and shall be specifically set aside and earmarked for the purpose of matching and securing money allocated to Delaware under the Recreational Boating Safety Financial Assistance Program administered by the United States Coast Guard. Beginning January 1, 1992, and annually thereafter, the initial $283,000 of the funds derived annually by the State pursuant to the provisions of this section shall be deposited into the General Fund of the State; additional funds received shall be deposited by the Department with the State Treasurer and shall be set aside and earmarked for the purposes of marine enforcement and boating access improvements."

Section 14. Notwithstanding any other provision of law to the contrary, the General Assembly hereby authorizes and approves the following schedule of fees to be imposed by the Department effective July 1, 1991, unless otherwise specifically noted:

State Park Permits 1992	Fee - Jan. 1,
Daily Entrance	
Del. Registered Vehicle	$2.50
May-October	
Daily Entrance	
Out of State Registered Vehicle	$5.00
May October	
Daily Entrance	
Group - Del. Registered Vehicle	$1.25
May/Sept/Oct Only	
Daily Entrance	
Group-Out of State Registered Vehicle	$2.50
May/Sept/Oct Only	
Daily Permit Book (6 coupons)	$12.50
Special Event (Division Sponsored)	
Del. Registered Vehicle	$1.00
Special Event (Division Sponsored)	
Out of State Registered Vehicle	$2.00
Annual Permit	
Del Registered Vehicle	$20.00
Annual Permit	
Out of State Registered Vehicle	$40.00
Annual Permit	
Military Personnel (Active Duty)	$20.00
Bus Fee - 11-30 passengers	$10.00
Bus Fee - More than 30 passengers	$20.00
Surf Fishing	
Del. Registered Vehicle	$50.00
Surf Fishing	
Out of State Registered Vehicle	$100.00
Surf Fishing	
Transfer/Replacement	$10.00
Snowmobiles	$10.00/2 years

Surface Water Permits	Fee - July 1, 1991	
Major Industrial Permits	$9,000	Annual

Major Industrial Amendments	$0	One Time
Major Municipal Permit	$0	Annual
Major Municipal Amendments	$0	One Time
Minor Industrial Permit	$2,250	Annual
Minor Industrial Amendments	$0	One Time
Minor Municipal Permits	$3,000	Annual
Minor Municipal Amendments	$0	One Time
Bulk Storage/Transfer/Pipeline	$3,750	One Time
Stormwater Municipal (Individ)	$0	Annual
Stormwater Industrial (Individ)	$2,500	Annual
Stormwater General	up to $200	Annual
Transportation Permits	$450	Annual
Sewer Collection	$825	One Time
WWTF Construction:	$1,500 x	
Major (more than 30 points)*(A)	Factor	One Time
WWTF Construction:	$1,125 x	
Minor (1 to 30 points)*(A)	Factor	One Time
**Spray Irrigation:		
Major (200,000 gpd or more)*(B)	$4,500	Annual
**Spray Irrigation:		
Minor (199,999 gpd or less)* (B)	$2,000	Annual
**Sludge: Ag Util. Generated		
in State: Major +200 dt/yr	$6,000	Annual
**Sludge: Ag Util. Generated		
in State: Minor -200 dt/yr	$3,750	Annual
Sludge: Ag Util. Generated		
out of State: Major	$12,000	Annual
Sludge: Ag Util. Generated		
out of State: Minor	$7,500	Annual
**Sludge: Dist. & Mktg		
Generated in State	$3,000	Annual
Sludge: Dist. & Mktg		
Generated out of State	$5,000	Annual
Sludge: Land Disposal		
Generated in State	$5,000	Annual
Sludge: Land Disposal		

Generated out of State	$10,000	Annual
Sludge: Land Reclamation		
Generated in State	$2,000	Annual
Sludge: Land Reclamation		
Generated out of State	$5,000	Annual
Sludge: Landfill	$2,000	Annual
Sludge: Research Projects		
Generated in State	$1,000	Annual
Sludge: Research Projects		
Generated out of State	$2,000	Annual
Sludge: Septage		
Major (50,000 gpy or more)	$500	Annual
Sludge: Septage		
Minor (49,999 gpy or less)	$200	Annual
Wetlands: Type I	$300	One Time
Wetlands: Type II	$450	One Time
Subaqueous Leases: Non-		
Commercial Docking Fac. 1 Slip	$225 appl.	10 yr lease
Subaqueous Leases: Commercial		
Docking Fac. 2 or more slips*(C)	$225 appl.	10 yr. lease
Subaqueous Leases: Non-		
Commercial Projects	$225 appl.	10 yr lease
Subaqueous Leases: Trans.		
Lines/Pipelines $225	10 yr. lease appl.	
Subaqueous Leases:		
Salvage Lease $300	10 yr lease appl.	
Subaqueous Leases:		
Supplemental Approval	$150	One Time
Subaqueous Leases:		
Industrial Dock $225	10 yr lease appl.	
Subaqueous Leases:		
Private Ramp	$225 appl.	10 yr. lease
Subaqueous Permits. Non-		
Commercial Dock Fac. - 1 slip	$225	One Time

Subaqueous Permits: Commercial		
Dock Fac. 2-4 slips* (C)	$225	One Time
Subaqueous Permits: Non-		
Commercial Projects	$225	One Time
Subaqueous Permits: Trans.		
Lines/Pipelines	$450	One Time
Subaqueous Permits:		
Salvage Exploration	$300	One Time
Subaqueous Permits.		
Supplemental Approval	$150	One Time
Subaqueous Permits:		
Industrial Dock	$225	One Time
Subaqueous Permits:		
Private Ramp	$225	One Time
Subaqueous Permits:		
Letter of Authorization	$150	One Time
Dredging-less than 500 cubic yds	$1.50/cu.yd	One Time
(application fee)	$150	One Time
Dredging-500 cubic yds or more	$1.50/cu.yd	One Time
(application fee)	$300	One Time
Annual Maintenance		
Dredging less than 500 cubic yds	$500	Annual
Annual Maintenance		
Dredging-500 cubic yds or more	$1,000	Annual
Subaqueous Lands Lease: Non-	$.50 per	
Comm. Dock Fac. 1 slip/ramp*(D)	sq.ft	Annual
Subaqueous Lands Lease: Comm.		
Dock Fac. 2-4 slips/ramp		
--Single Family Residential	$.50 per sqft	Annual
--Non-Residential	$3.00 per sqft	Annual
Subaqueous Lands Lease: Comm.		
Dock Fac. 5 or more slips/ramps		
--Single Family Residential	$1.50 per sqft	Annual
--Non-Residential	$3.50 per sqft	Annual
Subaqueous Lands Lease: Non-		
Comm Proj: (other than dock fac)	$.50 per sqft	Annual

Generated out of State	$10,000	Annual
Sludge: Land Reclamation		
Generated in State	$2,000	Annual
Sludge: Land Reclamation		
Generated out of State	$5,000	Annual
Sludge: Landfill	$2,000	Annual
Sludge: Research Projects		
Generated in State	$1,000	Annual
Sludge: Research Projects		
Generated out of State	$2,000	Annual
Sludge: Septage		
Major (50,000 gpy or more)	$500	Annual
Sludge: Septage		
Minor (49,999 gpy or less)	$200	Annual
Wetlands: Type I	$300	One Time
Wetlands: Type II	$450	One Time
Subaqueous Leases: Non-		
Commercial Docking Fac. 1 Slip	$225 appl.	10 yr lease
Subaqueous Leases: Commercial		
Docking Fac. 2 or more slips*(C)	$225 appl.	10 yr. lease
Subaqueous Leases: Non-		
Commercial Projects	$225 appl.	10 yr lease
Subaqueous Leases: Trans.		
Lines/Pipelines $225	10 yr. lease appl.	
Subaqueous Leases:		
Salvage Lease $300	10 yr lease appl.	
Subaqueous Leases:		
Supplemental Approval	$150	One Time
Subaqueous Leases:		
Industrial Dock $225	10 yr lease appl.	
Subaqueous Leases:		
Private Ramp	$225 appl.	10 yr. lease
Subaqueous Permits. Non-		
Commercial Dock Fac. - 1 slip	$225	One Time

Subaqueous Permits: Commercial		
Dock Fac. 2-4 slips* (C)	$225	One Time
Subaqueous Permits: Non-		
Commercial Projects	$225	One Time
Subaqueous Permits: Trans.		
Lines/Pipelines	$450	One Time
Subaqueous Permits:		
Salvage Exploration	$300	One Time
Subaqueous Permits.		
Supplemental Approval	$150	One Time
Subaqueous Permits:		
Industrial Dock	$225	One Time
Subaqueous Permits:		
Private Ramp	$225	One Time
Subaqueous Permits:		
Letter of Authorization	$150	One Time
Dredging-less than 500 cubic yds	$1.50/cu.yd	One Time
(application fee)	$150	One Time
Dredging-500 cubic yds or more	$1.50/cu.yd	One Time
(application fee)	$300	One Time
Annual Maintenance		
Dredging less than 500 cubic yds	$500	Annual
Annual Maintenance		
Dredging-500 cubic yds or more	$1,000	Annual
Subaqueous Lands Lease: Non-	$.50 per	
Comm. Dock Fac. 1 slip/ramp*(D)	sq.ft	Annual
Subaqueous Lands Lease: Comm.		
Dock Fac. 2-4 slips/ramp		
--Single Family Residential	$.50 per sqft	Annual
--Non-Residential	$3.00 per sqft	Annual
Subaqueous Lands Lease: Comm.		
Dock Fac. 5 or more slips/ramps		
--Single Family Residential	$1.50 per sqft	Annual
--Non-Residential	$3.50 per sqft	Annual
Subaqueous Lands Lease: Non-		
Comm Proj: (other than dock fac)	$.50 per sqft	Annual

Subaqueous Lands Lease: Trans. Lines/Pipelines less than 6 inches. dia.	$500 min. or 1.50/lnft	Annual
Subaqueous Lands Lease: Trans. Lines/Pipelines-6 inches dia or more	$500 min or 2.00 ln.ft	Annual
Subaqueous Lands Lease: Industrial Dock*(E)	$4.00 per sqft	Annual
Subaqueous Lands Lease: Filled Lands	$1.00 per sqft	Annual
Subaqueous Lands Lease: Salvage Lease	$5,000	Annual
Marinas: Major New (25 slips or more)	$5,000	One Time
Marinas: Minor New (24 slips or less)	$2,000	One Time
Marinas: Major Alteration	$1,000	One Time
Marinas: Minor Alteration	$500	One Time
Marinas: O&M Plan-Standard Plan	$200	One Time
Marinas: O&M Plan-Special Plan	$300	One Time
Marinas: O&M Plan-Headboat/ Boat Ramp	$200	One Time
Wastewater Operator Applications for License - Classes I, II III, IV, OIT, Spec and Temp Lic.	$50	Each Appl.
Wastewater Operator Applications for Emergency License	$375	Each Appl.
Wastewater Operator Examination (written and/or oral) fee	$100	Each Appl.
Wastewater Operator Reexamination at Same Level	$100	Each Appl.
Wastewater Operator Licenses - Renewals Classes I, II, III, IV, OIT and Specialty Lic. for two (2) years or less	$50	Each Appl.

Wastewater Operator Licenses-		
Emergency Lic for one yr or less	$375	Each Appl.
Wastewater Operator Surcharge on		
Late Fee Renewal of License	$15	Each Appl.

**Political subdivisions of the State are exempted.

*(A) = WWTF Construction: The distinction between "major" and "minor" is based on the complexity of the treatment improvements or new construction to be undertaken and is related to the point system established for classification of wastewater treatment facilities in Section 5 of the State of Delaware Regulations for Licensing Operators of Wastewater Facilities. FACTOR is determined in the following manner: FACTOR 1 - point total is 1 to 15; FACTOR 2 - point total is 16 to 30 points; FACTOR 3 - point total is 31 to 55 points; and FACTOR 4 - point total is 56 or more points.

*(B) = Permitted flow (design).

*(C) = Commercial is defined in 7 Del. C. Chapter 72 as a docking facility other than a single-boat pier or dock intended to serve a single family dwelling.

*(D) = Lease fees are for leasing property.

*(E) = Industrial docks in existance prior to 1969 are grandfathered and exempt from this fee.

Ground Water Permits 1991	Fee - July 1,
UNDERGROUND DISCHARGES (SEPTICS)	
Conduct Site Evaluation	$75
Review Private Site Evaluation	$75
Subdiv. Feasibility Review	$345
Multi-Lot Approval/Lot	$25
Director's Review of Denial	$115
Gravity System Permit	$50
Engineered System Permit	$115
Community System Permit	$750
Sys. Compliance Inspection	$70
Holding Tank Inspection	$60
On-Site Variance	$675
WATER SUPPLY	
Public Well	$75
Industrial Well	$75
Domestic Well	$35
Monitor Well	$75
Heat Pump Supply Well	$115
Heat Pump Recharge Well	$75

Water Alloc - Pub/Ind/Com	$375
Water Well Contractor Lic	$150
Pump Installer Contractor Lic	$115
Well Driller License	$30
Pump Installer License	$15
Cert Public Conv & Necessity	$300
Coastal Zone Act Permits:	Fee - July 1, 1991
Coastal Zone Permit	$3,000 One Time
Simple Status Decision	$600 One Time
Complex Status Decision	$3,000 One Time
Air & Waste Management Permits	Fee - July 1, 1991
Annual Permit Fees:	
Fuel Burning - 10-100 MBH	$75
Fuel Burning - 100-250 MBH	$300
Fuel Burning - over 250 MBH	$1,200
Waste Oil	$80
Process less than 10 tpy/unit	$125
Process over 10 tpy (Note 1)	$125+3.00 per ton over 10
VOC Sys. - Gasoline Disp. Facil	$75
VOC Sys. - Delivery Vessel	$50
VOC Sys. - Bulk Gasoline Term	$175
VOC Sys. - Storage Vessel	$60
VOC Sys. - Dry Cleaning Facil	$175
VOC Sys. - Wastewater Sep.	$80
VOC Sys. - Degreaser	$90
Incinerator	$400
Solid Waste Permit	$7,000
TSDI	$7,000
TSDI Small Facility	$500
Transporter: Haz. Waste	$300
Transporter: Solid Waste	$300
New Permits (Construction):	
--Fuel Burning - 10-100 MBH	$165
--Fuel Burning - 100-250 MBH	$390
--Fuel Burning - over 250 MBH	$1,290
Waste Oil	$170

Process less than 10 tpy/unit	$215
Process over 10 typ	$215+$2.50 per ton over 10
VOC Sys. - Gasoline Disp. Facil	$120
VOC Sys. - Bulk Gasoline Term	$265
VOC Sys. - Storage Vessel	$150
VOC Sys. - Dry Cleaning Facil	$265
VOC Sys. - Wastewater Sep.	$170
VOC Sys. - Degreaser	$180
Incinerator	$490
Other:	
Temp. Emerg. Variance	$1,000
Variance	$5,000
Amend. to Permits	$175

Notes: (1) Fee cap at $75,000 per facility"

Section 15. Any fee approved pursuant to 67 Del. Laws, c.259 and not specifically listed in this Act shall remain in effect.

Section 16. Section 11 of this Act shall be effective January 1, 1994.

Section 17. The provisions of Section 14 of this Act shall not be applicable for any application received by the Department of Natural Resources and Environmental Control prior to July 1, 1991.

Approved July 1, 1991.

AR4313

CHAPTER 87

FORMERLY

SENATE BILL NO. 132
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 5 OF THE DELAWARE CODE RELATING TO BANK RECEIVERSHIP.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §131(d), Title 5, Delaware Code by striking §131(d) in its entirety and inserting in lieu thereof the following:

"(d) The Court may vest the receiver with full power and authority to borrow such sum or sums of money as the Court shall determine in order the more readily or expeditiously to settle the affairs of the bank or trust company and to make payments to its creditors, depositors or stockholders. Such borrowing may be from any public or governmental or quasi-public or quasi-governmental corporation, board, commission or other agency or from any source whatsoever, and the Court may authorize the receiver to secure any loan by the pledge of any of the property or assets of the bank or trust company, and to give the lender a preference or priority as to the pledged property and assets over the other unsecured and unperfected secured creditors of the bank or trust company. The Court shall not have the power to authorize the receiver to (i) secure any loan by the pledge of any property or assets of the bank or trust company which would have a preference or priority over a security interest, lien or other encumbrance created and perfected prior to the appointment of the receiver, or (ii) avoid any security interest, lien or other encumbrance created and perfected prior to the appointment of the receiver, except that the Court may authorize the receiver to avoid a security interest held by an affiliate of a bank or trust company created in connection with borrowings in excess of the amount of capital and surplus paid in of the bank or trust company. The holder of a perfected security interest, lien or other encumbrance against property or assets of the bank or trust company at the time of the appointment of a receiver shall have the rights and advantages of all other applicable laws."

Approved July 3, 1991.

CHAPTER 88

FORMERLY

SENATE BILL NO. 87

AN ACT REQUIRING CERTAIN STATE-OWNED BUILDINGS TO DISPLAY P.O.W.-M.I.A. FLAGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. On or after September 19, 1991, each State-owned building at which the flag of the United States is displayed shall also display a P.O.W.-M.I.A. flag, if such flag is available free of charge to the Department of Administrative Services or other agency which has responsibility for such matters, or the agency which occupies the most space in the building; and if such display is in accordance with federal laws and regulations.

Section 2. This Act shall take effect on July 1, 1991, or upon becoming law, whichever occurs later.

Approved July 3, 1991.

CHAPTER 89

FORMERLY

HOUSE BILL NO. 245

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE REQUIRING ENVIRONMENTAL PERMITS PRIOR TO THE ISSUANCE OF BUILDING PERMITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6003, Chapter 60, Title 7 of the Delaware Code by adding a new subsection (f) to read as follows:

"(f) No county, municipality or other governmental entity shall issue any building, placement, storage or occupancy permit or license until the property owner has obtained from the Department any necessary permits for underground discharge of wastewater and withdrawal of groundwater."

Approved July 3, 1991.

CHAPTER 90

FORMERLY

HOUSE BILL NO. 267

AN ACT TO AMEND CHAPTER 79, TITLE 29 OF THE DELAWARE CODE RELATING TO HEALTH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 7905, Part VIII, Chapter 79, Title 29, Delaware Code by striking said Section in its entirety and by substituting in lieu thereof the following:

"§7905. Advisory Council on Public Health.

(a) There is established the Advisory Council on Public Health.

(b) The Council on Public Health shall serve in an advisory capacity to the Director of Public Health and shall consider matters relating to public health in this State and such other matters as may be referred to it by the Governor, Secretary of the Department or Director of Public Health. The Council may study, research, plan and advise the Governor, the Secretary and the Director to function in the best possible manner.

(c) The Council on Public Health shall be composed of 11 members who shall be appointed by the Governor for 3-year terms.

(d) At least 5, but no more than 6, members of the Council shall be affiliated with 1 of the major political parties and at least 4, but no more than 5, of the newly appointed members shall be affiliated with the other major political party provided, however, that there shall be no more than a bare majority representation of 1 major political party over the other major political party. Any person who declines to announce his political affiliation shall also be eligible for appointment as a member of the Council.

(e) The members should represent all three counties of the State.

(f) Members of the Council shall serve without compensation, except that they may be reimbursed for reasonable and necessary expenses incident to their duties as members of the Council.

(g) A Chairman of the Council shall be chosen by the members of the Council from among its members and shall serve in that capacity for a term of 1 year and shall be eligible for reelection.

(h) Any replacement appointment to the Council to fill a vacancy prior to the expiration of a term shall be filled for the remainder of the term."

Approved July 3, 1991.

CHAPTER 91

FORMERLY

HOUSE BILL NO. 202

AN ACT TO AMEND CERTAIN SUBSECTIONS OF CHAPTER 2, TITLE 24 OF THE DELAWARE CODE, RELATING TO THE COMPOSITION OF THE BOARD OF LANDSCAPE ARCHITECTURE, ELECTING MEMBERS OF THE BOARD OF LANDSCAPE ARCHITECTURE, AND AUTHORIZING THE BOARD TO PROMULGATE RULES AND REGULATIONS RELATING TO THE REQUIREMENTS FOR CONTINUING EDUCATION OF LANDSCAPE ARCHITECTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §203 (b), Chapter 2, Title 24 of the Delaware Code, by deleting the words "and the member shall no longer be eligible to participate in Board proceedings unless unlawfully appointed" contained in the last sentence of §203 (b) and inserting thereto the following; "however, the Board member shall remain eligible to participate in Board proceedings unless and until replaced by the Governor."

Section 2. Amend §204 (a), Chapter 2, Title 24 of the Delaware Code by deleting it in its entirety and substituting in lieu thereof the following: "In January of each year the members shall elect, from among their Board a President, Secretary and a Treasurer. Each officer shall serve for one year, and shall not succeed himself or herself for more than two consecutive terms."

Section 3. Amend §205, Chapter 2, Title 24 of the Delaware Code, by adding a new §(12) to Section 205(a)(1) to read as follows:

"(12) Formulate rules and regulations relating to the requirements for continuing education."

Approved July 3, 1991.

CHAPTER 92

FORMERLY

HOUSE BILL NO. 79
AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2, AND 3

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO SUMMER SCHOOLS FOR TEACHERS AND INSTRUCTIONAL AIDES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 5302 of Title 14, Delaware Code, by deleting said section and substituting in lieu thereof the following:

"§5302. Summer School For Teachers And Instructional Aides.

The University shall maintain at the University, for a period of not less than 6 weeks during the summer of each year, a school for teachers and instructional aides in which shall be given courses in pedagogy and such other subjects as will give increased efficiency to those who are now teaching or providing instructional assistance or wish to prepare to teach in the free public schools of this State. The courses given in the school shall be arranged by the University. All persons who are now teaching, or providing instructional assistance, or who will give satisfactory assurance to the State Board of Education that they intend to teach in the free public schools of this State shall be admitted into the school, so long as class space is available and provided their applications are approved by the Board. Tuition shall be free to all Delaware teachers and instructional aides who meet University requirements."

Section 2. Amend Section 6511 of Title 14, Delaware Code, by deleting said section and substituting in lieu thereof the following:

"§6511. Summer School For Teachers And Instructional Aides.

The College shall maintain at the College, for a period of not less than 6 weeks during the summer of each year, a school for teachers and instructional aides in which shall be given courses in pedagogy and such other subjects as will give increased efficiency to those who are now teaching or providing instructional assistance or wish to prepare to teach in the free public schools in this State. The courses given in the school shall be arranged by the College. All persons who are now teaching, or providing instructional assistance, or who will give satisfactory assurance to the State Board of Education that they intend to teach in the free public schools of this State shall be admitted into the school, so long as class space is available and provided their applications are approved by the Board. Tuition shall be free to all Delaware teachers and instructional aides who meet College requirements."

Section 3. This Act shall become effective on July 1, 1991.

Approved July 3, 1991.

CHAPTER 93

FORMERLY

HOUSE BILL NO. 207
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 19, TITLE 24 OF THE DELAWARE CODE RELATING TO NURSING.

WHEREAS, the present Nursing Act precludes non-nursing staff of community support programs that serve persons with psychiatric disabilities from assisting clients in taking their medications; and

WHEREAS, residential child care facilities and programs for individuals who are developmentally disabled are granted an exception to the Act, whereby care providers who have successfully completed a Board-approved medication training program assist these individuals in the taking of medication; and

WHEREAS, consistent, safe practice calls for a further exception to the Act providing for designated staff of community support programs with similar training to assist clients in the taking of medication.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1921, Chapter 19, Title 24 of the Delaware Code by creating a new paragraph (a) (14) which shall read as follows:

"(14) Group homes for individuals who have psychiatric disabilities regulated by the State under Chapter 11 of Title 16 and other community support programs certified by the Division of Alcoholism, Drug Abuse and Mental Health, where designated care providers, who have successfully completed a Board-approved medication training program, assist individuals who have psychiatric disabilities in the taking of medication, other than by injection, provided that the medication is in the original container, properly labeled. An annual report by the Administrator of the Program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on 'Assistance with Self Administration.'"

Section 2. Amend subsection (10), §1921, Chapter 19, Title 24, of the Delaware Code by striking the semi-colon (;) at the end of subsection (10) and substituting in lieu thereof the following:

"An annual report by the Administrator of the Program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on 'Assistance with Self Administration;'".

Section 3. Amend subsection (12), §1921, Chapter 19, Title 24 of the Delaware Code by striking the semi-colon (;) at the end of subsection (12) and substituting in lieu thereof the following:

"An annual report by the Administrator of the Program shall be made to the Board of Nursing. The report shall indicate compliance with guidelines as set forth in the approved course on 'Assistance with Self Administration;'".

Approved July 3, 1991.

CHAPTER 94

FORMERLY

HOUSE BILL NO. 176
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 27, TITLE 14, DELAWARE CODE, RELATING TO TRUANCY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2709(a), Chapter 27, Title 14 of the Delaware Code by adding thereto the following:

"Each day of violation of such section shall be considered as a separate violation. Upon conviction, the name and address of the defendant and a summary of the disposition of any and all offenses for which the defendant received a conviction shall be reported to the Child Protective Services Division of the Department of Services for Children, Youth and Their Families.

The provisions of this section shall not apply to children who are receiving instruction pursuant to §2703 of this Chapter."

Approved July 3, 1991.

CHAPTER 95

FORMERLY

SENATE BILL NO. 137

AN ACT TO AMEND SUBCHAPTER IV, CHAPTER 100, TITLE 3, DELAWARE CODE RELATING TO WAGERING ON SIMULCAST POOLS AND COMBINED PARI-MUTUEL POOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter IV, of Chapter 100, Title 3, Delaware Code by adding thereto a new section to be designated as Section 10060 to read as follows:

"§10060. Combined Pari-Mutuel Pools on Interstate Simulcast Wagering

(a) On interstate simulcasts of races that a person licensed under this Chapter transmits or receives, the licensee may combine wagers made at the licensee's track with wagers of the same type made at out-of-state facilities where wagering is lawful.

(b) The purpose of this section is to allow the creation of common pari-mutuel pools for calculating odds and determining payouts.

(c) The wagers made at out-of-state facilities may not be considered part of the licensee's pari-mutuel pools for any purpose other than the purpose specified under paragraph (b) of this section."

Approved July 3, 1991.

CHAPTER 96

FORMERLY

SENATE BILL NO. 149
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 41, TITLE 21, DELAWARE CODE RELATING TO TRESPASS BY MOTOR VEHICLE OR OHV AND PENALTIES THEREFOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 41, Title 21, Delaware Code by adding a section to read as follows:

"§4191A Trespass by motor vehicle or OHV

(a) No person shall knowingly operate a motor vehicle or OHV on private real property or upon a private road or driveway without consent of the owner or lessee of the real property. There shall be a rebuttable presumption that a person has knowingly violated this subsection if the owner or lessee has placed, at or near the points of entry from public or private vehicular access, a gate, fence or similar obstruction or a readily visible sign that would reasonably convey that the unauthorized operation of motor vehicles on the private road or driveway is prohibited.

(b) Penalties:

(1) A person who violates subsection (a) of this section shall be subject to the following penalties:

(i) A fine of not more than $100 for a first conviction.

(ii) A fine of not more than $1,000 plus suspension of operating privileges for a period of six (6) months for a second or subsequent conviction of the offense. If a person is under 16 years of age at the time of the second or subsequent conviction of this offense, the period of suspension shall commence upon the person's 16th birthday.

(2) In addition, restitution shall be made for the value of damage to real or personal property which results from the violation of this section."

Approved July 3, 1991.

CHAPTER 97

FORMERLY

SENATE BILL NO. 196

AN ACT TO AMEND CHAPTER 65, TITLE 14, DELAWARE CODE, RELATING TO GRANTING CONTINUING AUTHORITY TO THE BOARD OF TRUSTEES OF DELAWARE STATE COLLEGE TO ISSUE REVENUE BONDS FOR THE PURPOSE OF PRODUCING CAPITAL IMPROVEMENT FUNDS; FURTHER PROVIDING THAT SUCH REVENUE BONDS ISSUED PURSUANT TO THIS CHAPTER SHALL BE PAYABLE EXCLUSIVELY FROM SPECIFIED FUNDS OF DELAWARE STATE COLLEGE; AND FURTHER PROVIDING THAT BONDS ISSUED UNDER THE PROVISIONS OF THIS CHAPTER ARE MADE LEGAL INVESTMENTS FOR INSTITUTIONS AND FIDUCIARIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fourths of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 65, Title 14, Delaware Code, by adding thereto the following new sections to be designated as §§§6512, 6513, and 6514 to read as follows:

"§6512. Authority to Issue Bonds

The Board of trustees of Delaware State College may provide by resolution, from time to time, for the issuance in the name of Delaware State College of revenue bonds of the college, for the purpose of paying all or any part of the costs, including financing costs and necessary reserves for debt service, maintenance and the like, of one or more income producing capital improvements, including constructing and equipping income producing buildings and facilities to include dormitories/student residences, cafeteria facilities, parking facilities, together with incidental acquisition of land therefor, landscaping, walks, drives and utility installations deemed necessary by said Board for the sound expansion and development of the college and for the purpose of refunding outstanding issues of such revenue bonds. The principal of such bonds shall be payable solely from college funds (other than state appropriated funds) specifically pledged in each case by said Board by resolution, and the adoption of such resolution shall fully perfect such pledge for all purposes. No part of the revenues or funds of the college from other sources shall in any manner be expended for the purpose of paying such principal and interest. The bonds of each issue shall be dated, shall bear interest at such rate or rates per annum, payable semiannually, shall mature at such time or times and may be made redeemable before maturity at such price or prices and under such terms and conditions as may be fixed by the Board of Trustees prior to the issuance of the bonds. The principal and interest of such bonds may be made payable in any lawful medium. The Board of Trustees shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of principal and interest thereof which may be at any bank or trust company within or without the State. The bonds shall be signed by the President of the Board of Trustees, or shall bear the facsimile signature of the President of the Board of Trustees, in which latter event such bonds shall authenticated by the manual signature of an officer of a bank or trust company appointed by resolution of the Board of Trustees as fiscal agent in connection with the bond issue, and the seal of the College, or facsimile thereof, shall be affixed to the bonds and shall be attested by the Secretary of the Board of Trustees, which attestation may, if the bonds are authenticated as above provided, be by facsimile signature of the Secretary of the Board of Trustees; and any coupons attached to the bonds shall bear the facsimile signature of the President of the Board of Trustees. In case any officer whose signature or a facsimile thereof shall appear on any bonds or coupons shall cease to be such officer before the delivery of such bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery. All revenue bonds issued under this chapter shall have, and are declared to have, as between successive holders, all the qualities and incidents of negotiable instruments under the law of this State. Such bonds and the income therefrom shall be exempt from all taxation by the State or by any political subdivision, agency or authority thereof. The bonds may be issued in coupon or in registered form or both as the Board of Trustees may

determine and provision may be made for the registration of any coupon bond as to principal alone and also as to both principal and interest, and for the reconversion of any bonds registered both as to principal and interest into coupon bonds. The Board of Trustees may sell such bonds either at public or private sale in such manner and for such price as it may determine to be for the best interests of the college. The proceeds of such bonds shall be used solely for the payment of the cost of the specified capital improvements and shall be disbursed in the same manner as other college funds. If the proceeds of the bonds of any issue shall exceed the amount required for the purpose for which such bonds are issued, the surplus shall be held for application to the payment of principal and interest of such bonds. Prior to the preparation of definitive bonds, the Board of Trustees may, under like restrictions, issue temporary bonds, with or without coupons, exchangeable for definitive bonds upon the issue of the latter. The Board of Trustees may also provide for the replacement of any bond which shall become mutilated or be destroyed or lost. Any contracts or classes of contracts with firms or individuals entered into by Delaware State College in connection with the issuance and sale of any revenue bonds authorized by this section must be approved by the majority of the State's bond issuing officers (as defined for the purposes of Title 29, Delaware Code, Chapter 74), or authorized designees. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than those proceedings, conditions and things which are specified and required by this chapter.

§6513. Bonds as Legal Investments for Institutions and Fiduciaries.

Bonds issued under this chapter are made securities in which all state and municipal officers and administrative departments, boards and commissions of the State, all banks, bankers, savings banks, trust companies, savings and loan associations, investment companies and other persons carrying on a banking business, all insurance companies, insurance associations and other persons carrying on an insurance business, and all administrators, executors, guardians, trustees and other fiduciaries, and all other persons whatsoever authorized to invest in bonds or other obligations of the State, may properly and legally invest any funds, including capital belonging to them or within their control; and such bonds are made securities which may properly and legally be deposited with and received by any state, county or municipal officer or agency of the STATE for any purpose for which the deposit of bonds or other obligations of the State is authorized by law.

§6514. Credit of State not Pledged.

Revenue bonds issued under this chapter shall be payable exclusively from specified funds of the college. All such bonds shall contain a statement on their face that the STATE is not obligated to pay the same or the interest thereon and that the faith and credit of the State are not pledged to the payment of the principal or interest of such bonds. The issuance of revenue bonds under the chapter shall not directly or indirectly or contingently obligate the State to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment."

Approved July 3, 1991.

CHAPTER 98

FORMERLY

SENATE BILL NO. 67
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 17 OF THE DELAWARE CODE RELATING TO HIGHWAYS AND DRAINAGE FACILITIES THEREFORE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §132(b)(6), Chapter 1, Title 17 of the Delaware Code by adding thereto the following new subparagraphs:

"and

c. the property is a single residential lot occupied or to be occupied by the land owners and intended for residential use only; or

d. the property is agricultural use land. Agricultural use land shall mean land devoted to the production for sale of plants and animals useful to man, including but not limited to: Forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; or when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to soil conversation program under an agreement with an agency of the federal government."

Approved July 3, 1991.

CHAPTER 99

FORMERLY

SENATE BILL NO. 66

AN ACT TO AMEND CHAPTER 13, TITLE 2 OF THE DELAWARE CODE RELATING TO EMPLOYEES OF SUBSIDIARIES OF THE DELAWARE TRANSPORTATION AUTHORITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1325(3), Chapter 13, Title 2 of the Delaware Code by inserting, in the third sentence thereof, between the words "insurance" and "plans", the words "and deferred compensation"; and by inserting, in the fourth sentence thereof, between the words "insurance" and "programs", the words "and deferred compensation".

Approved July 3, 1991.

CHAPTER 100

FORMERLY

SENATE BILL NO. 95

AN ACT TO AMEND CHAPTER 69 OF TITLE 29 OF THE DELAWARE CODE PERTAINING TO DEFINITIONS INCLUDED WITHIN THE PROFESSIONAL SERVICES NEGOTIATIONS ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6930(a) of Title 29 of the Delaware Code by inserting after the words "professional engineering," the following:

"including but not limited to environmental engineering, consulting, and environmental monitoring,"

Approved July 3, 1991.

CHAPTER 101

FORMERLY

SENATE BILL NO. 139
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11, CHAPTER 85 OF THE DELAWARE CODE RELATING TO THE STATE BUREAU OF IDENTIFICATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 85, Section 8502, Subsection (3)b of Title 11 of the Delaware Code by adding a new section "5" as follows:

"5. The Delaware Criminal Justice Information System, Office of the Director;"

and renumbering the succeeding paragraphs.

Section 2. Amend Chapter 85, Section 8505 of Title 11 of the Delaware Code by deleting said section in its entirety and replacing said section with the following:

"8505. Duty to Provide Security of Criminal History Record Information and Security Investigations.

(a) The Director shall provide security of criminal history record information contained in the facilities of the Bureau.

(b) The Director shall establish procedures to assure that Bureau records, under the control or custody of any authorized agency, shall be protected from unauthorized access, disclosure or dissemination.

(c) Each employee of the Bureau working with or having access to criminal history record information shall be made familiar with the substance and intent of this chapter.

(d) Direct access to criminal history record information from the Bureau shall be available only to authorized officers or employees of a criminal justice agency, and as necessary, to other authorized personnel essential to the proper operation of the criminal history record information system.

(e) The Director shall be responsible for investigations of violations of Chapter 85 of this Title."

Section 3. Amend Chapter 85, Section 8508, Title 11 of the Delaware Code by deleting said section in its entirety and replacing said section with the following:

"8508. Information To Be Supplied By Court Officials.

Every court of this State or of any political subdivision thereof having original or appellate jurisdiction over indictable offenses, or over such nonindictable offenses as are herein mentioned, shall transmit to the Bureau in such manner as the Director shall designate such information regarding every indictment, information, petitions or complaints of delinquency, or other formal criminal charge, and every change in release status, disposition and sentencing made thereof within 90 days of said action."

Approved July 3, 1991.

CHAPTER 102

FORMERLY

SENATE BILL NO. 124

AN ACT TO AMEND CHAPTER 38, TITLE 31, DELAWARE CODE, RELATING TO FOSTER CHILD REVIEW.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3811(1), Chapter 38, Title 31, Delaware Code, by inserting between the words "foster parents;" and "child's attorney, if applicable." the following:

"court-appointed special advocate (CASA); educational surrogate parent;".

Approved July 3, 1991.

CHAPTER 103

FORMERLY

SENATE BILL NO. 148
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 11, CHAPTER 86 OF THE DELAWARE CODE RELATING TO THE DELAWARE JUSTICE INFORMATION SYSTEM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 8602(3)(b), Chapter 86, Title 11, Delaware Code, by adding thereto a new subparagraph to read as follows:

"7. The Delaware Criminal Justice Information System, Office of the Director."

Section 2. Amend §8602, Chapter 86, Title 11, Delaware Code by adding thereto a new subsection to read as follows:

"(6) Criminal Justice Information System shall mean the computer hardware, software, and communication network managed, operated and maintained by the Delaware Criminal Justice Information System."

Section 3. Amend §8603(a), Chapter 86, Title 11, Delaware Code by adding the word "Criminal" after the word "Delaware".

Section 4. Amend §8603(g)(2) Chapter 86, Title 11, Delaware Code by striking the word "Employ" and substituting in lieu thereof the word "Appoint" and by striking the words "and other personnel".

Section 5. Amend Chapter 86, Title 11, Delaware Code by renumbering §8608 as §8609, by renumbering §8605 as §8608, by renumbering §8606 as §8605; and by deleting §8607 and by adding thereto a new section to read as follows:

"§8606. Office of the Director, Function and Duties.

(1) The Executive Director shall be appointed by and serve at the pleasure of the Board. The duties of the Executive Director shall include, but not be limited to:

(a) The employment and supervision of required employees.

(b) The preparation and management of an annual budget, and such other funds as are designated for the development and operation of the Criminal Justice Information System.

(c) Provide such administrative support to the Board as may be necessary.

(d) The preparation of policy, procedure, and directives as may be required to implement the provisions of this chapter and Chapter 85 of this title, or as the Board may require.

(e) Be the Chief Operational Officer of the Criminal Justice Information System, as per this title and established Board policy.

(f) The preparation of an annual report on the status of the Criminal Justice Information System.

(2) The primary function of the Office of the Director shall be the assurance of the efficient and reliable development and operation of the hardware, software and database which comprise the Criminal Justice Information System; thereby, effectively collecting, storing, and disseminating through the automated system, for all authorized users, criminal justice information, including criminal history record information.

(a) Duty to provide security. The Office of the Director shall provide for automated security as follows:

(1) Provide for secure system access for all criminal justice information system users through the administration of the Delaware Criminal Justice Information System security programs;

(2) Employ effective and technologically adequate software and hardware designs to prevent unauthorized access or modifications to any information contained within the Criminal Justice Information System;

(3) Insure that access to computer facilities, systems operating environments, data file contents, and system documentation whether in use or stored in a media library, shall be restricted to specifically authorized organizations and/or personnel;

(4) Procedures shall be instituted to assure that all Delaware Justice Information system facilities provide safe and secure record storage;

(5) Procedures shall be instituted to assure that any agency or individual authorized access to the information system shall be responsible for the physical security of criminal history record information, or other such sensitive information, under its control or in its custody, and such information shall be protected from unauthorized access, disclosure, or dissemination;

(6) Direct access to criminal history record information, or other such sensitive information, shall be available only to other authorized personnel essential to the proper operation of the Criminal Justice Information System;

(7) Each employee, office, or contracted employee, working with, or having access to the criminal justice information system shall be made familiar with the substance and intent of this chapter and Chapter 85 of this Title.

(b) Duty to maintain complete and accurate records; performance of an audit. The Office of the Director, or such contracted firms as may be employed, shall conduct an audit of the criminal justice information system files and of the agencies accessing the system. The audit will be conducted according to established systems auditing procedures, and other such procedures as the State Bureau of Identification may prescribe. An audit will be conducted upon concurrence of the Board;

(c) Duty to provide training. The Office of the Director shall assure that training programs are established for all automated systems within the scope of the Criminal Justice Information System and provide for adequate documentation and manuals for the use of such systems;

(d) Duty to assure system operations. The Office of the Director shall provide for the continued operation of the Criminal Justice Information System, including such maintenance as required;

(e) Duty to provide information resource management. The Office of the Director shall provide the management of the Criminal Justice Information System data, assuring the effective use of the information resource;

(f) Duty to assure that all Criminal Justice Information System development shall meet the requirements of the state criminal justice system and its member agencies and courts, and provide for the effective management of the development process;

(g) The Office of the Director shall perform such duties as the Board deems necessary within the bounds of the Criminal Justice Information System, its management and maintenance, as established through cooperative agreement or express Board policy."

Section 6. Amend Chapter 86, Title 11, Delaware Code by adding thereto a new section to read as follows:

"§8607. Violations and Investigations.

(l) All suspected or reported violations of Chapter 85 or Chapter 5, Subchapter III, Subpart K of this title shall be reported to the Director of the State Bureau of Investigation, with said agency having responsibility for the investigation of the reported violation."

Approved July 3, 1991.

CHAPTER 104

FORMERLY

HOUSE BILL NO. 273
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3313, Chapter 33, Title 19 of the Delaware Code by redesignating the subsections "(f), (g), (h), (i), (j), and (k)" as they appear therein as subsections "(g), (h), (i), (j), (k), and (l)", respectively.

Section 2. Amend §3313, Chapter 33, Title 19, Delaware Code by inserting a new subsection (f) to read as follows:

"(f) For claims establishing a benefit year beginning July 1, 1991, and thereafter, an individual's weekly benefit amount shall be determined in accordance with subsection (c) or subsection (d) of this section as determined by the balance in the Unemployment Insurance Trust Fund. However, for such claims, the minimum and maximum weekly benefit amount shall not be less than $20 nor more than $245 unless the Unemployment Insurance Trust Fund balance, as certified by the Director of Unemployment Insurance to the Secretary of Labor, as of the preceding September 30, is less than $150 million. When the Unemployment Insurance Trust Fund balance is less than $150 million, but equal to or greater than $90 million, the maximum weekly benefit amount shall be no more than $225. And when the Unemployment Insurance Trust Fund balance is less than $90 million, the maximum weekly benefit amount shall be no more than $205. Computation for any change in the maximum weekly benefit amount shall commence with new claims filed to establish a benefit year on or after January 1 of each year."

Approved July 3, 1991.

CHAPTER 105

FORMERLY
SENATE BILL NO. 198
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTERS 1, 17, 19, AND 22 OF TITLE 5, DELAWARE CODE RELATING TO BANKING AND BUILDING AND LOAN ASSOCIATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §122 of Chapter 1, Title 5, Delaware Code, by deleting subsection (e) in its entirety and redesignating the existing subsection (f) as subsection (e).

Section 2. Amend §160 of Chapter 1, Title 5, Delaware Code, by deleting subsection (b) in its entirety and redesignating the existing subsection (c) as subsection (b).

Section 3. Amend §1703(a) of Chapter 17, Title 5, Delaware Code, by deleting the phrase "at least once each year and oftener if the Commissioner deems it necessary." as it appears therein and inserting in lieu thereof the phrase "as frequently as deemed necessary or expedient."

Section 4. Amend §1705 of Chapter 17, Title 5, Delaware Code, by deleting the phrase "of any other state, territory, or the District of Columbia, shall, in addition to the information required by subsections (a) and (b) of this section, set" as they appear in existing subsection (c) and inserting in lieu thereof "or regulations of any other state or federal agency, shall furnish a statement which sets". Further amend §1705 by deleting the period at the end of existing subsection (c) and adding thereto the phrase "and submit a copy of its annual report at the end of each fiscal year." Amend subsection (b) of §1705 by deleting said subsection in its entirety and redesignating existing subsection (c) as subsection (b).

Section 5. Amend §1707 of Chapter 17, Title 5, Delaware Code, by deleting said section in its entirety.

Section 6. Amend §1710 by deleting the second sentence thereof in its entirety and deleting the phrase "for 30 days after final judgment in any such action" as it appears in the third sentence of said section. Further amend §1710 by deleting the word "judgment" wherever it appears and substituting in lieu thereof the word "penalty" and deleting the last phrase in said section commencing with the phrase ", or until".

Section 7. Amend §1711 of Chapter 17, Title 5, Delaware Code, by deleting said section in its entirety.

Section 8. Amend §1721 of Chapter 17, Title 5, Delaware Code, by inserting the phrase "or the registration requirements fulfilled" between the words "obtained" and "as provided".

Section 9. Amend §1722 of Chapter 17, Title 5, Delaware Code, by inserting the phrase ", or a business similar to that of a building and loan association," between the words "association" and "created" as they appear in the second sentence of said section and by deleting the phrase "of any other state" and inserting in lieu thereof the phrase "or regulations of any other state or federal agency". Further amend the second sentence of §1722 by deleting the word "license" and inserting in lieu thereof the word "registration".

Section 10. Amend §1723 of Chapter 17, Title 5, Delaware Code, by adding a new subsection (c) to read as follows:

"(c) No new license required under §1721 shall be issued after July 15, 1991."

Section 11. Amend §1724 of Chapter 17, Title 5, Delaware Code, by deleting the word "and" as it appears after the phrase "solvent condition" in the first sentence thereof and inserting after the phrase "compliance with the law" the phrase "and payment of the annual renewal license or registration fee

as prescribed in §1722 of this Title has been made". Further amend §1724 by deleting the last sentence of said section.

Section 12. Amend §1726 of Chapter 17, Title 5, Delaware Code, by inserting the phrase "per violation" after "$25" as it appears therein.

Section 13. Amend §1727 of Chapter 17, Title 5, Delaware Code, by adding the word "registered" before the word "office" and after the word "or" as they appear in said section.

Section 14. Amend §1902, Chapter 19, Title 5, Delaware Code by deleting the phrase "at a rate of interest not exceeding the legal rate or any higher contract rate as permitted by law, and for such premium as is authorized under this chapter." as it appears in the first paragraph of said section. Further amend §1902 by deleting the phrase ", but such loans shall be limited to the legal rate of interest" and insert a new paragraph to read as follows:

"Building and loan associations may charge and collect periodic interest in respect to such loans at such daily, weekly, monthly, annual or other periodic percentage rate or rates as the agreement governing, or the bond, note or other evidence of, the loan provides or as established in the manner provided in such agreement, bond, note or other evidence of the loan, and may calculate such periodic interest by way of simple interest or such the method as the agreement governing, or the bond, note or other evidence of, the loan provides. If the interest is pre-computed, it may be calculated on the assumption that all scheduled payments will be made when due. For purposes thereof, a year may but need not be a calendar year and may be such period of from 360 days to 366 days, including or disregarding leap year, as the association may determine.

Building and loan associations may engage in revolving credit and closed end credit. Such activities shall be subject to the provisions of Subchapters II and III of Chapter 9, Title 5, of the Delaware Code."

Section 15. Amend §1903 of Chapter 19, Title 5, Delaware Code, by inserting the phrase "duly licensed or registered" immediately following the first word of said paragraph and by deleting the phrase "and having a state charter" which appears after the phrase "this State" in the first line of §1903. Further amend §1903 by deleting the phrase "Federal Home Loan Bank Board" and insert in lieu thereof the phrase "Office of Thrift Supervision or any successor federal regulatory authority".

Section 16. Amend §1904 of Chapter 19, Title 5, Delaware Code, by deleting the phrase "doing business in this State and holding a state charter" and substituting in lieu thereof the phrase "duly licensed or registered".

Section 17. Amend §1905 of Chapter 19, Title 5, Delaware Code, by deleting the said section in its entirety and substituting in lieu thereof a new §1905 to read as follows:

"§1905. Branch offices.

The establishment of a branch office by a building and loan association shall be governed by the provisions of §2011 of Chapter 20, of this Title. Branching of building and loan associations shall be limited to the extent permitted to banks chartered pursuant to Chapter 7 of this Title."

Section 18. Amend §2201 of Chapter 22, Title 5, Delaware Code, by deleting subsections (1) through (3), inclusive, renumbering current subsections (4) and (5) as subsections (3) and (4), respectively, and by inserting new subsections (1) and (2) to read as follows:

"(1) "Person" means an individual, corporation, partnership or any other business entity or group or combination of individuals however organized.

(2) "Licensee", "licensed lender", "person licensed", or "lender" means any person duly licensed or regulated by the Commissioner pursuant to this chapter."

Section 19. Amend §2202 of Chapter 22, Title 5, Delaware Code, by deleting such section in its entirety and inserting in lieu thereof a new §2202 to read as follows:

"§2202. License required.

a) Every person desiring to transact the business of lending money in this State shall be required to obtain a license under this chapter provided, however, that a person that makes not more than five loans within any 12-month period shall be deemed not to be transacting the business of lending money. Except as otherwise provided by law, loans made by any such unlicensed lender shall fall under the provisions of Chapter 23 of Title 6. The licensing requirements of this chapter shall not apply (1) to any banking organization, state or federal savings bank or savings and loan association having its principal place of business in this State, federal credit union or insurance company; or (2) to any other financial institution or other person, if and to the extent that such financial institution or other person is lending money in accordance with and as authorized by any other applicable law of this State or the United States, including but not limited to the registration requirements in Chapter 17 of this Title.

(b) The Commissioner shall be authorized to exempt such persons or classes of persons, or loans or classes of loans, as the Commissioner shall find inappropriate to include within the coverage of this chapter in order to effectuate the purposes of this chapter.

(c) A person shall not be deemed to be transacting the business of lending money within the meaning of this section solely by reason of the circumstance that such person is a participating merchant, as such term is used in this chapter."

Section 20. Amend §2203(a) of Chapter 22, Title 5, Delaware Code, by deleting the word "located" appearing therein and inserting in lieu thereof the words "to be conducted".

Section 21. Amend §2204 of Chapter 22, Title 5, Delaware Code, by deleting the words "filing thereof" appearing as the last two words of such section and inserting in lieu thereof the words "date the Commissioner determines that the application as filed with him is complete".

Section 22. Amend §2208 of Chapter 22, Title 5, Delaware Code, by deleting the title of such section and inserting in lieu thereof "§2208. Surety Bond or Letter of Credit.", and by adding at the end of such §2208 two additional sentences reading as follows:

"In lieu of requiring the filing of a surety bond, the Commissioner may, at his discretion, accept from a licensee a letter of credit in the amount of $50,000 running in favor of the State, with draws available by sight drafts thereunder in amounts determined by the Commissioner, up to the aggregate amount of $50,000, if the licensee shall fail to comply with this chapter. Any such letter of credit shall be issued by a financial institution, and shall be in a form satisfactory to the Commissioner."

Section 23. Amend §2209(d) of Chapter 22, Title 5, Delaware Code, by inserting the phrase "such license together with" following the phrase "any licensee may surrender any license by delivering to the Commissioner".

Section 24. Amend §2228(a) of Chapter 22, Title 5, Delaware Code, by deleting the word "paid" following the phrase "Loans to any 1 borrower may not exceed 20% of the" and inserting in lieu thereof the word "paid-in".

Section 25. Amend §2240(b) of Chapter 22, Title 5, Delaware Code, by deleting such subsection (b) in its entirety and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Subsection (a) of this section shall not apply to any person transacting the business of lending money in accordance with the provisions of §2202 of this chapter."

Section 26. Amend §131(d), Title 5, Delaware Code by deleting the phrase beginning with ", except" and ending with "trust company" and inserting in lieu thereof the following:

"provided, however, that the foregoing shall not affect any power, if any, granted to the Court under Section 131(d) in existence prior to the enactment of Senate Bill No. 132, Delaware State Senate, 136th General Assembly, as amended by Senate *Amendment No. 1* and House Amendment No. 1, with respect to security interests held by affiliates of a bank or trust company created in connection with borrowings in excess of the amount of capital and surplus paid in of the bank or trust company."

Approved July 3, 1991.

CHAPTER 106

FORMERLY

SENATE BILL NO. 202

AN ACT TO AMEND CHAPTER 38 OF TITLE 12 OF THE DELAWARE CODE RELATING TO BUSINESS TRUSTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3801(a), Chapter 38, Title 12 of the Delaware code by adding the words "or will be" after the words "under which property is" as currently appearing in subsection (i) of such Section 3801(a), and further amend Section 3801(a) by adding the words "or will be carried on" immediately following the words "or business or professional activities for profit are carried on" as currently appearing in subsection (i) of such Section 3801(a).

Section 2. Amend §3804, Chapter 38, Title 12 of the Delaware Code by deleting from the last sentence thereof the proviso clause beginning with the punctuation and words "; provided, that §3803(a) of this title," and ending with the words "including the common law (without reference to §3803(a) of this title)".

Section 3. Amend §3807(b), Chapter 38, Title 12 of the Delaware Code by deleting the words "or becomes a registered investment company" currently appearing therein and inserting in lieu thereof the following punctuation and words ", becomes, or will become prior to the issuance of beneficial interests, a registered investment company".

Section 4. This Act shall become effective immediately upon enactment with respect to all business trusts whenever created.

Approved July 3, 1991.

CHAPTER 107

FORMERLY

HOUSE SUBSTITUTE NO. 1
FOR
HOUSE BILL NO. 211
AS AMENDED BY
HOUSE AMENDMENT NOS. 1, 2 AND
HOUSE AMENDMENT NO. 1 TO HOUSE AMENDMENT NO. 2,
AND SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO FARM WINERIES IN THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Title 4, Chapter 5, of the Delaware Code by adding thereto a new Section 512B to read, as follows:

"Section 512B. Licenses for Farm Wineries.

(a) Upon proper application and subject to the provisions, restrictions and prohibitions of this title, the Commission may grant a license to any person who is the owner or lessee of a farm winery to manufacture, ferment, blend, age, store, and bottle wine containing fourteen percent or less of ethyl alcohol by volume on the premises designated in the license. For purposes of this title, a farm winery is defined as an establishment at which the basic ingredients, including but not limited to the harvesting of grapes, to make wine are grown and where wine is fermented or manufactured. Notwithstanding any provisions of this title to the contrary, a farm winery licensee shall be authorized to sell, deliver, and ship such wine in barrels, bottles, or other closed containers to persons licensed under the provisions of this title to import wine or to purchase wine for the purpose of resale; and to sell and ship wine to persons outside of the State of Delaware in accordance with Title 4 of the Delaware Code.

(b) A farm winery licensee shall also be authorized to store and sell wine on the premises by the bottle, but not for consumption on the premises where sold or in any dependency thereof. All bottles so sold shall be delivered to the purchaser and shall be removed from the premises where sold with the seals of such bottles unbroken.

(c) A farm winery licensee shall be exempt from the distance requirements for establishments licensed, or to be licensed, for consumption off the premises, as contained in §543(d) of this title, and shall not affect the granting of a license of the same type.

(d) A farm winery licensee may sell, on the licensed premises, food items, souvenirs, wine-related supplies, and educational material as approved by the Commission.

(e) The Commission may grant a wine tasting license to a farm winery licensee consistent with the provisions of §525 and §554(ee) of this title.

(f) All wine sold by a farm winery licensee shall be in a container which is securely sealed and has attached thereto a label setting forth such information as required by this title, Commission rules, and laws of the State of Delaware.

(g) A farm winery licensee may not engage in any business or activity in the licensed establishment unless authorized by this title or approved by the Commission.

(h) A farm winery licensee shall be authorized to purchase and receive shipments of bottled, finished wine from importers, located within the State of Delaware that are licensed in accordance with this title. Such purchases and shipments, if in bottled, finished form, must be manufactured specifically for the Delaware farm winery licensee and bear the private

label of the Delaware farm winery licensee on each bottle, and, if being imported from without the State of Delaware, shall be limited, as follows:

(1) During the first year of operation, no more than 10,000 gallons of wine;

(2) During the second year of operation, no more than 7,500 gallons of wine;

(3) During the third year of operation, no more than 5,000 gallons of wine; and

(4) After three years of operation, no more than 25% of the total gallons of wine manufactured within the State of Delaware.

(5) Notwithstanding the importation limitations for bottled wine established in this paragraph, at such time when there is sufficient quantity, variety, and quality of wine grapes grown in the State of Delaware, then the Secretary of the Department of Agriculture may mandate that all licensed Delaware farm wineries must use at least 51% Delaware-grown fruit in their blend inventories. In the case of hardship due to crop loss, the Secretary of the Department of Agriculture may issue a special permit to import fruit, juice or other raw materials to compensate for such crop loss. Until such time as the Secretary of the Department of Agriculture makes such mandate, the licensee shall be authorized to import grapes or grape juice from other locations within or outside of the State of Delaware, pursuant to the rules and regulations of the Department of Agriculture, for the purpose of fermentation, blending, bottling and aging.

(i) A farm winery licensee shall be authorized to purchase and receive shipments of unfinished wine in bulk form from suppliers and importers located within and without the State of Delaware that are licensed in accordance with this Title.

(j) A farm winery licensee shall be prohibited from owning or operating or being affiliated with any other manufacturer, importer, supplier, or retailer of alcoholic liquor either within or without this state.

(k) The Commission may promulgate such rules and regulations with respect to the enforcement or furtherance of the objectives and provisions of this section as it may deem necessary, and all such rules and regulations that are not inconsistent with the provisions of this title shall have the force and effect of law.

(l) A Delaware winery or farm winery shall be exempt from the prohibition of sales on Sundays as prescribed in §709 of this title, but is limited on Sundays to the sale hours of 12 noon to 6 p.m. Where any other major holiday, as listed in subsection (e) of §709, falls on Sunday, then sales shall be prohibited pursuant to §709.

(m) A farm winery licensee shall be authorized to export grapes, grape juice, or unfinished wine grown in this State in bulk to persons outside the State of Delaware for crushing, fermenting, bottling and labeling and shall be authorized to receive the finished product from that person, so long as no grapes, grape juice, or wine, grown or manufactured outside the State of Delaware, are added to the finished product."

Section 2. Amend Title 4, Section 554, of the Delaware Code by adding a new subsection, designated as Subsection (gg), which shall read as follows:

"(gg) for a farm winery license, the biennial fee shall be $1,000."

Section 3. Amend Title 4, Section 581 of the Delaware Code by re-lettering existing subsections "(b)" and "(c)" as subsections "(c)" and "(d)" respectively.

Section 4. Amend Title 4, Section 581 of the Delaware Code by adding a new subsection (b) to read therein, as follows

"No person licensed by the Commission as a farm winery may manufacture wine for the purpose of resale without paying to the Department of Finance for each gallon of wine produced, except sacramental wines, $0.97"

Section 5. Amend Title 4, Section 709 of the Delaware Code relating to the Prohibition of Sales at Certain Times, by adding thereto a new subsection (i), to read as follows:

"(i). The prohibition of sales on Sunday under subsection (e) of this section shall exclude Delaware Wineries and Farm Wineries, who may sell their product to persons of legal drinking age pursuant to §708 of this title, for consumption off-premises, between the hours of 12 noon and 6 p.m. on Sundays. Where other major holidays as listed in subsection 709 of this section fall on Sunday, sales shall be prohibited on that day."

Approved July 5, 1991.

CHAPTER 108

FORMERLY

HOUSE BILL NO. 98

AN ACT TO AMEND CHAPTER 1, TITLE 20 OF THE DELAWARE CODE RELATING TO COURTS-MARTIAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 151, Chapter 1, Title 20, Delaware Code by designating the current section as subsection "(a)" thereof and adding a new subsection "(b)" thereto which shall read as follows:

"(b) The Adjutant General may designate one or more officers of the Delaware National Guard who is/are qualified members of the Judge Advocate Generals' Corps to be 'Military Judges for State military justice purposes'."

Section 2. Amend Section 153, Chapter 1, Title 20, Delaware Code by adding a new subsection (d) thereto which shall read as follows:

"(d) A Special Courts-Martial shall have jurisdiction to try a commissioned officer or warrant officer."

Approved July 5, 1991.

label of the Delaware farm winery licensee on each bottle, and, if being imported from without the State of Delaware, shall be limited, as follows:

(1) During the first year of operation, no more than 10,000 gallons of wine;

(2) During the second year of operation, no more than 7,500 gallons of wine;

(3) During the third year of operation, no more than 5,000 gallons of wine; and

(4) After three years of operation, no more than 25% of the total gallons of wine manufactured within the State of Delaware.

(5) Notwithstanding the importation limitations for bottled wine established in this paragraph, at such time when there is sufficient quantity, variety, and quality of wine grapes grown in the State of Delaware, then the Secretary of the Department of Agriculture may mandate that all licensed Delaware farm wineries must use at least 51% Delaware-grown fruit in their blend inventories. In the case of hardship due to crop loss, the Secretary of the Department of Agriculture may issue a special permit to import fruit, juice or other raw materials to compensate for such crop loss. Until such time as the Secretary of the Department of Agriculture makes such mandate, the licensee shall be authorized to import grapes or grape juice from other locations within or outside of the State of Delaware, pursuant to the rules and regulations of the Department of Agriculture, for the purpose of fermentation, blending, bottling and aging.

(i) A farm winery licensee shall be authorized to purchase and receive shipments of unfinished wine in bulk form from suppliers and importers located within and without the State of Delaware that are licensed in accordance with this Title.

(j) A farm winery licensee shall be prohibited from owning or operating or being affiliated with any other manufacturer, importer, supplier, or retailer of alcoholic liquor either within or without this state.

(k) The Commission may promulgate such rules and regulations with respect to the enforcement or furtherance of the objectives and provisions of this section as it may deem necessary, and all such rules and regulations that are not inconsistent with the provisions of this title shall have the force and effect of law.

(l) A Delaware winery or farm winery shall be exempt from the prohibition of sales on Sundays as prescribed in §709 of this title, but is limited on Sundays to the sale hours of 12 noon to 6 p.m. Where any other major holiday, as listed in subsection (e) of §709, falls on Sunday, then sales shall be prohibited pursuant to §709.

(m) A farm winery licensee shall be authorized to export grapes, grape juice, or unfinished wine grown in this State in bulk to persons outside the State of Delaware for crushing, fermenting, bottling and labeling and shall be authorized to receive the finished product from that person, so long as no grapes, grape juice, or wine, grown or manufactured outside the State of Delaware, are added to the finished product."

Section 2. Amend Title 4, Section 554, of the Delaware Code by adding a new subsection, designated as Subsection (gg), which shall read as follows:

"(gg) for a farm winery license, the biennial fee shall be $1,000."

Section 3. Amend Title 4, Section 581 of the Delaware Code by re-lettering existing subsections "(b)" and "(c)" as subsections "(c)" and "(d)" respectively.

Section 4. Amend Title 4, Section 581 of the Delaware Code by adding a new subsection (b) to read therein, as follows

"No person licensed by the Commission as a farm winery may manufacture wine for the purpose of resale without paying to the Department of Finance for each gallon of wine produced, except sacramental wines, $0.97"

Section 5. Amend Title 4, Section 709 of the Delaware Code relating to the Prohibition of Sales at Certain Times, by adding thereto a new subsection (i), to read as follows:

"(i). The prohibition of sales on Sunday under subsection (e) of this section shall exclude Delaware Wineries and Farm Wineries, who may sell their product to persons of legal drinking age pursuant to §708 of this title, for consumption off-premises, between the hours of 12 noon and 6 p.m. on Sundays. Where other major holidays as listed in subsection 709 of this section fall on Sunday, sales shall be prohibited on that day."

Approved July 5, 1991.

CHAPTER 108

FORMERLY

HOUSE BILL NO. 98

AN ACT TO AMEND CHAPTER 1, TITLE 20 OF THE DELAWARE CODE RELATING TO COURTS-MARTIAL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 151, Chapter 1, Title 20, Delaware Code by designating the current section as subsection "(a)" thereof and adding a new subsection "(b)" thereto which shall read as follows:

"(b) The Adjutant General may designate one or more officers of the Delaware National Guard who is/are qualified members of the Judge Advocate Generals' Corps to be 'Military Judges for State military justice purposes'."

Section 2. Amend Section 153, Chapter 1, Title 20, Delaware Code by adding a new subsection (d) thereto which shall read as follows:

"(d) A Special Courts-Martial shall have jurisdiction to try a commissioned officer or warrant officer."

Approved July 5, 1991.

CHAPTER 109

FORMERLY

HOUSE BILL NO. 335

AN ACT TO AMEND TO REINCORPORATE THE TOWN OF GREENWOOD.

WHEREAS, the present Charter of the Town of Greenwood was enacted in 1901; and; and

WHEREAS, in the ensuing eighty-six (86) years, there have been innumerable amendments and many of the provisions have become outdated and, in some instances, invalid; and

WHEREAS, it is deemed desirable that the Charter of The Town of Greenwood, being Chapter 183, Volume 22, Laws of Delaware, as amended, entitled "An Act To Incorporate The Town of Greenwood", together with the various amendments and supplements thereto, be amended and revised in certain respects and consolidated into one complete Act.

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (two-thirds of all Members elected to each House thereof concurring therein):

INCORPORATION

Section 1. The inhabitants of The Town of Greenwood within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided are hereby declared to be a body politic incorporated in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever by the corporate name of "The Town of Greenwood".

TERRITORIAL LIMITS

Section 2. The present boundaries and limits of The Town of Greenwood are hereby established as follows:

ALL that certain tract, piece and parcel of land, situate, lying and being in Northwest Fork Hundred, Sussex County Delaware, and being more particularly described as follows:

BEGINNING at a point, said point being located in the northerly right-of-way line of West Market Street, also known as Delaware Route 16; thence from said beginning point North 16 45' East a distance of One Thousand Six Hundred Feet (1,600) feet to a point, said point marking a corner for the present corporate limits of The Town of Greenwood; thence South 73 15' East a distance of Four Thousand Six Hundred Twenty (4,620) feet to a point, said point marking a corner for the present limits of The Town of Greenwood; thence Three Thousand Nine Hundred Sixty (3,960) feet to a point, said point marking a corner for the present corporate limits of The Town of Greenwood; thence North 73 15' West a distance of Four Thousand Six Hundred Twenty (4,620) feet to a point, said point marking a corner for the present corporate limits of The Town of Greenwood; thence North 16' 45' east a distance of Two Thousand Three Hundred Sixty (2,360) feet or such distance as is required to reach the place of beginning, be the contents thereof what they may.

ANNEXATION OF TERRITORY

Section 3. In the event it becomes feasible and necessary in the future for The Town of Greenwood to enlarge its then existing limits and territory, such annexation accomplished pursuant to the following procedures shall be lawful:

(a) If all of the property owners of a territory contiguous to the then existing corporate limits and territory of The Town of Greenwood, by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Greenwood shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council

to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written Report containing its findings and conclusions to the Mayor and Town Council of Greenwood. The Report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Greenwood and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Greenwood may then pass a second Resolution annexing such territory to The Town of Greenwood. Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by five (5) or more property owners but less than all the property owners of a territory contiguous to the then limits and territory of The Town of Greenwood.

(b) If five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of The Town of Greenwood by written Petition with the signature of each such Petitioner duly acknowledged shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Greenwood shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or the Town Council, by majority vote of the elected members thereof may, by Resolution,propose that a committee composed of not less than three (3) of the elected members of the Town Council be appointed by the Mayor to investigate the possibility of annexing any certain territory contiguous to the then limits and territory of The Town of Greenwood.

(c) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written Report containing its findings and conclusions to the Mayor and the Town Council of Greenwood. The Report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Greenwood and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, within thirty (30) days after receiving a report, a second Resolution shall then be passed by the Town Council proposing to the property owners and residents of both The Town of Greenwood and the territory proposed to be annexed that the Town proposes to annex certain territory contiguous to its then limits and territory. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the Resolution proposing annexation to the property owners and residents shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. If the Resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the Resolution failed to receive the required affirmative vote. The second Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution adopted by the Town Council setting forth the above information shall be printed in a newspaper having a general circulation in The Town of Greenwood at least one (1) week prior to the date set for the public hearing, or, at the discretion of the Town Council, the said Resolution shall be posted in four (4) public places both in The Town of Greenwood and in the territory proposed to be annexed.

(d) Following the public hearing, but in no event later than thirty (30) days thereafter, a Resolution shall then be passed by a majority of the Town Council ordering a Special Election to be held not less than thirty (30) nor

more than sixty (60) days after the said public hearing on the subject of the proposed annexation. Passage of this Resolution shall ipso facto be considered the determination of the Town Council to proceed with the matter of the proposed annexation.

(e) The notice of the time and place of said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in The Town of Greenwood, or, in the discretion of the Town Council, the said notice may be posted in four (4) public places, both in The Town of Greenwood and in the territory proposed to be annexed at least fifteen (15) days prior to the date set for the said Special Election.

(f) At the Special Election, every property owner, whether an individual, partnership or a corporation both in The Town of Greenwood and in the territory proposed to be annexed shall have one (1) vote. Every citizen of either The Town of Greenwood or of the territory proposed to be annexed over the age of eighteen (18) years who is not a property owner shall have one (1) vote. In the case of property owned by husband and wife jointly, the husband and wife shall each have one (1) vote. In the event that a person owns property both in The Town of Greenwood and in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in The Town of Greenwood and in the territory proposed to be annexed, but does not reside in either place, he may vote only in The Town of Greenwood and not in the territory proposed to be annexed. Property owners whose property is exempt from taxation or is not assessed for taxation shall not be entitled to vote. The books and records of The Town of Greenwood in the case of property owners and citizens of the Town and the books and records of the Board of Assessment of Sussex County in the case of property owners and residents of the territory proposed to be annexed shall be conclusive evidence of the right of such property owners and citizens to vote at the Special Election.

(g) In the event that an individual holds an unrevoked Power of Attorney duly executed specifically authorizing the said individual to vote at the said Special Election, a duly authenticated Power of Attorney shall be filed in the Office of The Town of Greenwood. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election.

(h) The Town Council of The Town of Greenwood shall cause voting machines to be used in the Special Election, the form of ballot to be printed as follows:

[ ] For the proposed annexation

[ ] Against the proposed annexation.

(i) The Mayor of The Town of Greenwood shall appoint three (3) persons to act as a Board of Special Election, at least one (1) of whom shall own property in The Town of Greenwood and at least one (1) of whom shall own property in the property proposed to be annexed. One (1) of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in a public place as designated by the Resolution calling the Special Election. The Board of Special Election shall have available, clearly marked, two (2) voting machines. All votes cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be accomplished on one such voting machine and all ballots cast by those persons, partnerships, or corporations who are authorized to vote as residents or property owners of The Town of Greenwood shall be accomplished on the other such voting machine. The polling place shall be open from one o'clock in the afternoon, prevailing time until seven o'clock in the evening,prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

(j) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver

the same to the Town Council of The Town of Greenwood. Said Certificate shall be filed with the papers of the Town Council.

(k) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from The Town of Greenwood and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one (1) year from the date of said Special Election. If a favorable vote for annexation shall have been cast, the Town Council of The Town of Greenwood shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be a part of The Town of Greenwood from the time of recordation. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(l) If the territory proposed to be annexed includes only territory which is exempt from taxation or which is not assessed on the books of the Board of Assessment of Sussex County, no election shall be necessary and the Town Council of The Town of Greenwood may proceed to annex such territory by receiving a certified copy of a Resolution requesting such annexation if such property is owned by a corporation or by a written Petition with the signature of each such Petitioner duly acknowledged if such property is owned by an individual, requesting the Town Council to annex that certain territory in which they own property. The certified copy of the Resolution or the Petition shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Upon receipt of the certified copy of the Resolution or the Petition, the Mayor of the Town of Greenwood shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Greenwood. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Greenwood and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Greenwood may then pass a second Resolution annexing such territory to The Town of Greenwood. Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the Resolution shall be passed by three-fourths (3/4) of all the elected members of the Town Council. If the Resolution fails to receive the required number of votes, no part of the territory proposed for annexation shall again be proposed for annexation for a period of one (1) year from the date that the Resolution failed to receive the required votes. If the Resolution receives the required number of votes, the Town Council of The Town of Greenwood shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, and in no event shall such recordation be completed more than ninety (90) days following the passage of the Resolution. The territory considered for annexation shall be considered to be a part of The Town of Greenwood from the time of recordation. The failure of the Town Council to record the description and plot within the time herein before specified shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the passage of the Resolution.

STRUCTURE OF GOVERNMENT

Section 4. The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in the Town Council. The Town Council shall be composed of five (5)

members, each of whose terms shall be for a period of two (2) years, commencing at the Annual Meeting of the Town Council following his election and continuing until his successor is duly elected and qualified. Each member of the Town Council shall be nominated and elected from the Town at large. One of the members of the Town Council shall be elected President of the Town Council and upon his election shall have the title of Mayor of The Town of Greenwood and shall perform all duties prescribed herein to be performed by the Mayor of The Town of Greenwood. Each Town Councilman shall receive as compensation such amount as shall be determined by the Town Council by ordinance or resolution for attendance at any regular meeting, special meeting or workshop meeting. The time of payment shall be determined by the Town Council, but in no event shall such compensation be paid less frequently than quarterly and at no time shall the compensation to be received by the member of the Town Council who is designated as Mayor during any fiscal year be more than Seven Hundred Fifty Dollars ($750.00) and no other member of the Town Council shall receive during any fiscal year more than Five Hundred Dollars ($500.00).

QUALIFICATIONS FOR MEMBERS OF TOWN COUNCIL

Section 5. The qualifications for each member of the Town Council at the time of the election shall be as follows:

(a) Each member shall be at least twenty-one (21) years of age.

(b) Each member shall be a citizen of the United States and of the State of Delaware and a bona fide resident of The Town of Greenwood.

(c) Each of the qualifications for members of the Town Council shall be continuing qualifications to hold office and the failure of any member of the Town Council to have any of the qualifications required by this Section during his term of office shall create a vacancy in the office.

METHOD OF MAKING NOMINATIONS FOR TOWN COUNCILMAN

Section 6. Each candidate for the Office of Town Councilman shall be nominated as follows:

(a) Each candidate for Town Councilman shall notify the Secretary of the Town Council in writing of his candidacy.

(b) All notifications of candidacy shall be filed with the Secretary of the Town Council not later than five o'clock in the afternoon, prevailing time, on the fourth Friday in December. Such notification of candidacy shall be upon a suitable form or blank furnished by The Town of Greenwood, which said statement shall be dated, signed by the candidate and witnessed by at least two (2) adult residents of the Town.

(c) The Town Council shall make arrangements for voting machines to be placed in the polling place prior to the time set forth in this Charter for the beginning of the Annual Municipal Election.

(d) The Town Council shall hold a meeting within five (5) days after the close of the time for the filing of notification of candidacy for the purpose of determining the qualifications of the candidates.

MANNER OF HOLDING ANNUAL MUNICIPAL ELECTION

Section 7. The procedure for holding the Annual Municipal Election shall be as follows:

(a) The Annual Municipal Election shall be held at a place designated by the Town Council within the corporate limits of The Town of Greenwood on the third Saturday in January of each and every year from one o'clock in the afternoon, prevailing time, until seven o'clock in the evening, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the third Saturday in January, A.D. 1992.

(b) At the Annual Municipal Election to be held on the third Saturday in January, A.D. 1992, three (3) members of the Town Council shall be elected. Each of the Councilmen who are elected shall serve for a term of two (2) years, or until his successor has been duly elected and qualified.

(c) At the Annual Municipal Election to be held on the third Saturday in January, A.D. 1993, two (2) members of the Town Council shall be elected. Each of the Councilmen so elected shall serve for a period of two (2) years or until his successor has been duly elected and qualified.

(d) Thereafter, at each Annual Municipal Election held in even numbered years, there shall be elected three (3) Councilmen who shall serve for a term of two (2) years, or until their successors have been duly elected and qualified and in each Annual Municipal Election held in odd numbered years, there shall be elected two (2) Councilmen who shall serve for a term of two (2) years, or until their successors have been duly elected and qualified.

(e) The members of the Town Council of Greenwood who hold office at the time of passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.

(f) The Annual Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two (2) Judges appointed by the Mayor of The Town of Greenwood with the concurrence of a majority of the members of the Town Council not later than the last regular meeting of the Town Council prior to the date of the Annual Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote at the Annual Municipal Election, take reasonable steps to see that the law pertaining to the Annual Municipal Election, take reasonable steps to see that the law pertaining to the Annual Municipal Election receives compliance and shall be for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the Annual Municipal Election shall not be present at the polling place at the time designated for the holding of the Annual Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said Annual Municipal Election to elect from among their own number a person to fill each vacancy in such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Annual Municipal Election.

(g) At such Annual Municipal Election, every person, male or female, who shall have attained the age of eighteen (18) years on the date of the Annual Municipal Election and who shall be a bona fide resident of The Town of Greenwood shall have one (1) vote, provided he or she is registered on the "Books of Registered Voters" of The Town of Greenwood. The Town Council of The Town of Greenwood shall provide two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the office of the Secretary of the Town Council. The Books of Registered Voters shall contain the following information for each registrant: the names of the registered voters arranged in alphabetical order, the address of the voter, the birth date of the voter, the date the registrant became a citizen of the United States, the date the registrant became a resident of The Town of Greenwood, and any other pertinent information. No person shall be registered upon the Books of Registered Voters unless he or she will have acquired the qualifications to vote in the Annual Municipal Election for the year in which he or she registers. A person shall be required to register only one (1) time; provided, however, that, if a registered voter fails to vote in two (2) consecutive Annual Municipal Elections in which there is a contest, his name shall be removed from the Books of Registered Voters and notice sent to said registered voter at his last known address by certified mail with return receipt requested advising the registered voter that his name has been removed from the Books of Registered Voters, and that it will be necessary to register again in order to be eligible to vote in the Annual Municipal Election. The Books of Registered Voters shall be maintained in the Office of the Town Council and shall be conclusive evidence of the right of any person to vote at the Annual Municipal Election. A person may register at the Office of the Secretary of the Town Council during the regular business hours of such Office until the close of business of such Office on the third Friday in December prior to the date of the Annual Municipal Election by completing such forms as may be provided by the Town. If the third Friday in December is a legal holiday, the last day for registering shall be the last business day immediately preceding the third Friday in December.

(h) All votes offered at the Annual Municipal Election shall be offered in person.

(i) In the event that no person files for office for which an election is to be held within the time set forth in Section 6 of this Charter, the incumbent shall be deemed to be re-elected for a full term and it shall not be necessary to have an election.

(j) In the event that only one (1) person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 8.

(a) Before entering upon the duties of their respective offices, each of the Councilmen Elect shall be sworn by a Notary Public to perform faithfully and impartially the duties of their respective offices with fidelity. At 7:30 o'clock in the evening, prevailing time, on the Wednesday following the Annual Municipal Election, the Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity, as aforesaid.

(b) At the annual meeting, held on the first regular meeting following the Annual Municipal Election, the Town Council shall organize and elect a Mayor and President of the Town Council, who shall hold office for the term of one (1) year or until his successor shall be duly elected, and a Vice-President, who shall hold office for the term of one (1) year or until his successor shall be duly elected. The Town Council shall likewise select a Secretary from their own number to serve until the organization meeting after the next Annual Municipal Election. The Town Council may also select an Assistant Secretary to serve, as aforesaid, who may or may not be from among their own number and such other officers and employees as may be determined to be necessary.

REGULAR AND SPECIAL MEETINGS

Section 9. The Town Council of The Town of Greenwood shall hold at least one (1) meeting in each month, the time and days of the meeting to be determined by Resolution of the Town Council. If the day selected by the Town Council shall be a legal holiday, the monthly meeting of the Town Council of The Town of Greenwood shall be held on the next succeeding regular business day. Special meetings shall be called by the Secretary upon the written request of the Mayor of The Town of Greenwood, or upon the written request of any two (2) members of the Town Council of The Town of Greenwood, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary shall be deposited in the United States mail in the main Post Office of The Town of Greenwood at least forty-eight (48) hours before the time of said special meeting; provided, however, that a written waiver of such notice signed by the Mayor of The Town of Greenwood and by all members of the Town Council prior to or immediately upon convening of the said such special meeting shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver so states.

QUORUM

Section 10. A majority of the members elected to the Town Council shall constitute a quorum at any regular or special meeting; but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance.

RULES AND MINUTES OF COUNCIL

Section 11. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

VACANCIES

Section 12. If any vacancy shall occur in the office of Mayor or in the office of Councilman by death, resignation, loss of residence in The Town of Greenwood, refusal to serve, or otherwise, the same may be filled by a majority vote of the remaining members of the Town Council, the person or persons so chosen to fill such vacancy shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term.

DISQUALIFICATIONS

Section 13. If the Mayor or any Councilman, during his term of office, shall be found guilty of any felony, he shall forthwith be disqualified to act as Mayor or as a member of Council and his office shall be deemed vacant and shall be filled by the Town Council, as aforesaid.

CONTRACTS

Section 14.

(a) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars ($500.00) for materials, supplies, services, work or labor, for the benefit and use of The Town of Greenwood with the Mayor or any member of the Town Council or with any partnership in which the Mayor or any member of the Town Council is a general partner, or with any corporation in which the Mayor or any member of the Town Council is a director or controlling stockholder, or with any firm or company in which the Mayor or any member of the Town Council is pecuniarily interested, provided that, if all the remaining elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

(b) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who submits a responsive bid; provided, however, that competitive bidding shall not be required in any of the following circumstances:

(1) The aggregate amount involved is not more than Ten Thousand Dollars ($10,000.00);

(2) The purchase or contract is for personal or professional services;

(3) The purchase or contract is for any service rendered by a University, college or other educational institution;

(4) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision;

(5) The purchase or contract is for property or services for which it is impracticable to obtain competition;

(6) The public exigency, as determined by the Town Council, will not permit the delay incident to advertising;

(7) The materials to be purchased are to be used to complete a project under the supervision of the Town;

(8) The purchase or contract is for property or services for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirement or not independently reached in open competition;

(9) A public emergency as determined by the Town Council exists.

(10) The purchase or contract is for property for which the distance involved or other factors in order to have maintenance performed, as determined by the Town Council, is unreasonable.

DUTIES OF THE MAYOR AND PRESIDENT OF COUNCIL

Section 15.

(a) The Town Councilman elected by the members of the Town Council to be the President of the Town Council, shall also be the Mayor of The Town of Greenwood and shall preside at all meetings of the Town Council, but shall vote only on all matters brought before the Town Council in which there is a tie. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. He may require the Alderman or the Assistant Alderman, as hereinafter provided for in this Act, to proceed upon such infractions or violations of law and ordinances immediately in the event that he deems such action to be required. The Mayor shall perform such other duties and have such other powers as the Town Council shall determine not in conflict with the provisions of this Charter.

(b) The Mayor, within thirty (30) days following his election, may appoint, by and with the advice and consent of a majority of the elected members of the Town Council, two (2) suitable persons who shall be qualified voters of The Town of Greenwood to act as Alderman and Assistant Alderman. Both the Alderman and Assistant Alderman shall hold office until each successor shall be duly appointed and chosen.

(c) The Mayor may, for any reasonable cause, by and with the consent and upon the address of a majority of all the members of the Town Council, remove from office any person appointed by him or any of his predecessors. The person against whom the Council may be about to proceed shall receive five (5) days' written notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the Mayor by certified mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person.

(d) The Mayor may appoint such other committees as he deems necessary for the proper administration of The Town of Greenwood or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(e) It shall be the duty of the Vice- President of the Town Council, in the absence of or inability of the Mayor to act, to preside at all meetings of the Town Council and to perform such other duties and to have such other powers of the Mayor as are prescribed by the Charter of The Town of Greenwood or by any ordinance of the Town Council.

SECRETARY

Section 16.

(a) The Secretary shall have charge and custody of books, journals, records, papers and other effects of the Town and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions in The Town of Greenwood. He shall be a voting member of all committees and shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by ordinances or rule of the Town Council of The Town of Greenwood. He shall file and keep in a safe place the seal of The Town of Greenwood and all papers and documents arising out of the proceedings of the Town Council of The Town of Greenwood relative to the affairs of the Town. He shall deliver the same to his successor in office. He shall attest the seal of The Town of Greenwood when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by ordinance.

(b) All books, records and journals of The Town of Greenwood in the custody of the Secretary may, in the presence of the Mayor, Vice-President, Secretary, Assistant Secretary, or any member of the Town Council of The Town of Greenwood be inspected by any registered voter of the Town desiring legitimate information at any time, or times,as may be convenient and will not interfere with the regular routine of the business of the Town.

(c) All books, records, papers and documents in the custody of the Secretary shall be open for inspection by members of the Town Council of The Town of Greenwood.

(d) Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council.

ASSISTANT SECRETARY

Section 17. The duties and powers of the Secretary as herein before prescribed shall devolve upon the Assistant Secretary in the absence or inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other powers as may be prescribed by Resolution to the Town Council of The Town of Greenwood and shall receive such compensation as the Town Council by Resolution shall determine.

ALDERMAN AND ASSISTANT ALDERMAN

Section 18.

(a) The Mayor may appoint some suitable person to act as Alderman and may appoint some suitable person to act as Assistant Alderman. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be at least twenty-one (21) years of age, shall be of good character and reputation and shall be a resident of The Town of Greenwood and shall not be a member of the Town Council of The Town of Greenwood. Any person appointed by the Mayor to serve as Alderman or Assistant Alderman shall be appointed for an indefinite term and any such appointment shall be confirmed by a majority of all the elected members of the Town Council of The Town of Greenwood. Either the Alderman or the Assistant Alderman may be removed from office at any time, with or without cause, by the affirmative vote of two- thirds (2/3) of all the elected members of the Town Council of The Town of Greenwood.

(b) Before entering upon the duties of his office, the person appointed by the Mayor to serve as Alderman and the person appointed by the Mayor to serve as Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of his office honestly, faithfully and diligently and to uphold and enforce the Charter of The Town of Greenwood and ordinances duly enacted by the Town Council of The Town of Greenwood and to carry into effect all orders of the Town Council of The Town of Greenwood made pursuant to any law of this State. The Assistant Alderman shall perform the functions of the Alderman if the Alderman is unavailable and at such other times as may be designated by the Mayor. During such periods the Assistant Alderman shall have all the powers and duties of the Alderman.

(c) The Town Council shall procure suitable records for the use of the Alderman and the Assistant Alderman. Such records shall be known as the "Alderman's Docket." The Alderman and the Assistant Alderman shall each record all official acts and proceedings in the Alderman's Docket.

(d) The Alderman and the Assistant Alderman shall have jurisdiction and cognizance of all breaches of the peace and other offenses committed within the corporate limits of The Town of Greenwood so far as to arrest and hold for bail or fine and imprison offenders for any offense, penalty or forfeiture prescribed by the Charter of The Town of Greenwood and any ordinance enacted thereunder; of all neglects, omissions or defaults of any officer, agent or employee of the Town; provided, however, that neither the Alderman nor the Assistant Alderman shall impose any fine in excess of Five Hundred Dollars ($500.00) nor imprison any offender for more than sixty (60) days, or both, except as otherwise provided in the Charter of The Town of Greenwood. The Alderman and the Assistant Alderman may, in addition to any other fine or term of imprisonment permitted to be assessed or imposed, impose and collect such costs as are set by ordinance or resolution of the Town Council of The Town of Greenwood; provided, however, that no costs shall be imposed which are in excess of that which may be imposed by a Justice of the Peace for like service.

(e) The Alderman and Assistant Alderman shall prepare and submit a monthly report to the Town Council reporting all fines and penalties imposed during the preceding calendar month and shall pay to the Treasurer of the Town all such fines and penalties.

(f) The Alderman and the Assistant Alderman shall receive such salary as may be fixed from time to time by Resolution of the Town Council.

(g) If any Alderman or Assistant Alderman shall be removed from office as herein before provided, he shall deliver to the Secretary of the Town Council, within two (2) days after his removal from office, all the books and papers belonging to his office, and to pay over to the Secretary of the Town Council all moneys in his hands within five (5) days after receiving the notice of his removal from office. Immediately after the receipt of the books and papers belonging to the office of either the Alderman or the Assistant Alderman, the Secretary of the Town Council shall require the auditor of the Town, appointed as hereinafter provided, to make an audit of the books and papers of the official so removed from the office. Upon the neglect or failure to deliver all the books and papers to the Town Manager within the time specified by this Charter, or to pay over all of the moneys to the Secretary of the Town Council within the time specified, the Alderman or Assistant Alderman so removed, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00) for each day that he fails to deliver the books and papers to the Secretary of the Town Council or to pay over all moneys to the Secretary of the Town Council.

TOWN MANAGER

Section 19.

(a) The Mayor of The Town of Greenwood, with the concurrence of a majority of all the elected members of the Town Council, may appoint a Town Manager who shall be the Chief Administrative Officer of the Town at such compensation as shall be determined by the Town Council.

(b) The Town Council of The Town of Greenwood shall impose such qualifications for Town Manager as may be deemed necessary; provided, however, that no person holding the office of Mayor or Town Councilman shall be chosen to be Town Manager during his term of office as Mayor or Councilman.

(c) The Town Manager shall hold office for an indefinite term and may be removed by a majority vote of the Town Council of The Town of Greenwood. At least thirty (30) days before such removal shall become effective, the Town Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the reasons for his removal. The Town Manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days before nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Town Council, by a majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Town Manager from duty with or without pay but shall in any case cause to be paid him forthwith any unpaid balance of his salary.

(d) In case of the absence or disability of the Town Manager, the Town Council may designate some qualified person to perform the duties of such office during his absence or disability. The compensation which the Town Manager shall receive for the performance of his duties shall be fixed by the Town Council of The Town of Greenwood,

(e) The Town Manager shall be responsible to the Town Council of The Town of Greenwood for the proper administration of the affairs of the Town placed in his charge and to that end, he shall have the power to make such appointments and to hire such employees at such compensations as are authorized by the Town Council, subject to such rules and regulations as may be adopted by the Town Council. All employees shall be hired for an indefinite term and may be suspended with or without pay by the Town Manager at any time unless otherwise provided by resolution of Council and shall report all such suspensions to the Town Council at the next meeting of such Town Council whenever such meeting be a regular meeting or a special meeting. The Town Council of The Town of Greenwood shall sit as a Board of Appeal for the protection of Town employees at those times when the majority of all the Town Council are agreed that a review of the action of the Town Manager would be in the best interest of The Town of Greenwood. The decision of the Town Council in such case shall be final and conclusive.

(f) It is the intention of this Charter that, in the performance of his duties, and in the exercise of his powers, the Town Manager shall not be influenced by any matters whatsoever of a political or fractional nature. It is the intention of this Charter that the Town Manager shall be guided solely by matters of expedience and efficiency in the administration of the affairs of the Town placed in his charge. Except for purposes of inquiry, the Town Council shall deal with that portion of the administrative service for which the Town Manager is responsible solely through the Town Manager.

(g) It shall be the duty of the Town Manager to supervise the administration of the affairs of the Town under his charge and to make such reports to the Town Council as are required by the Town Council. He shall make such recommendations to the Town Council concerning the affairs of the Town as may seem to him desirable. He shall keep the Town Council advised of the financial condition and future needs of the Town. He shall prepare and submit to the Town Council the annual budget estimate. He shall render to the Town Council at the regular monthly meeting of each and every month a true, accurate and detailed account of all moneys collected or received by him in the performance of his duties and shall promptly turn the same over to the Town Council.

(h) In conjunction with the Mayor of The Town of Greenwood, he shall sign warrants pursuant to appropriations or resolutions theretofore made for the Town Council. He shall prepare and submit to the Town Council such reports as may be required by the Town Council. He shall perform such other duties as may be prescribed by this Charter or required of him by Ordinance or Resolution of the Town Council.

(i) The Town Manager and such other officers of the Town as may be designated by vote of the Town Council shall be entitled to a seat in the meetings of the Town Council, but shall not vote therein.

(j) The Town Manager shall have charge and supervision of the streets, gutters, curbs, sidewalks, parks and other administrative affairs of the Town and all work relating thereto. He shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the Town. He shall have the charge of the administration of all provisions of this Charter and Ordinances and Resolutions of the Town Council relating to the affairs of the Town when not otherwise provided for by this Charter or by any Ordinance or Resolution of the Town Council. He shall by virtue of his office be the Town Treasurer.

(k) He shall keep a full and strict account of all monies received and all disbursements made by him and such accounts shall, at all times, be open to inspection to the Town Council.

(l) He shall give to The Town of Greenwood a bond, if required by the Town Council, in such sum and form and with such security satisfactory to the Town Council for the faithful performance of the duties of his office and the restoration to The Town of Greenwood, in case of his death, resignation, or removal from office, all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the Town.

(m) In the event of a vacancy in the office of the Town Manager for any reason or reasons whatsoever, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.

(n) Upon the death, resignation, or removal from office of the Town Manager, the Town Council shall appoint some suitable person, who may be an elected or appointed official of The Town of Greenwood, to perform the duties of Town Manager; provided, however, such person shall not serve for a period exceeding ninety (90) days from the date of his appointment.

TOWN SOLICITOR

Section 20.The Mayor of The Town of Greenwood, with the advise and consent of a majority of the elected members of the Town Council, shall select and appoint a Town Solicitor for an indefinite term who shall be removable at the pleasure of the Town Council of The Town of Greenwood either with or without due cause stated. The Town Solicitor shall be a member in good standing of

the Bar of the State of Delaware, with offices in Sussex County. It shall be his duty to give legal advice to the Town Council and other officers of the Town and to perform other legal services as may be required of him by the Town Council.

BOARD OF HEALTH

Section 21.

(a) The Board of Health shall consist of four (4) members. The Board shall be appointed by the Mayor of The Town of Greenwood with the advice and consent of a majority of all the elected members of the Town Council at the annual meeting herein before provided, and shall serve for one (1) year or until their successors are duly appointed and qualified. The Board of Health shall have cognizance of an interest in the life and health of the people of the Town. The Board shall report to the Town Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town and shall make recommendations to the Town Council concerning whatever may contribute to the health and sanitation of the citizens of The Town of Greenwood. The Board shall organize by the election of a Chairman and Secretary within ten (10) days after notice of their appointment and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

(b) The Secretary of the Board may be allowed a reasonable annual compensation for his services, which shall be determined by the Town Council and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by the Mayor, but he shall be a resident of The Town of Greenwood.

(c) The Board of Health shall have the power to recommend the adoption of Ordinances relating to the health of the population of the Town or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the same and such Ordinances, when adopted by the Town Council, shall extend to an area outside the Town limits for a distance of one (1) mile.

POLICE FORCE

Section 22.

(a) The Town Council shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the police force. The police force shall preserve peace and order and shall compel obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The police force shall have such other duties as the Town Council shall, from time to time, prescribe. The Chief of Police shall be appointed by the Mayor for an indefinite term by and with the advice and consent of a majority of all the elected members of the Town Council and at such compensation as shall be determined by the Town Council. All members of the police force shall be paid such compensation as shall be determined by the Town Council.

(b) Each member of the police force shall have police powers and shall be conservators of the peace throughout The Town of Greenwood, and they shall suppress all acts of violence and enforce all laws relating to the safety of persons and property. They shall compel the enforcement of all laws enacted by the Town Council of The Town of Greenwood. In the case of a pursuit of an offender, the power and authority of the police force shall extend outside the territorial limitations of The Town of Greenwood.

(c) Every person sentenced to imprisonment by the Alderman or the Assistant Alderman or a Justice of the Peace, as the case may be, shall be delivered by a member of the police force to the correctional institution located in Sussex County to be there imprisoned for the term of his sentence.

(d) In the case of an arrest at any time when the Alderman or the Assistant Alderman of The Town of Greenwood shall not be available or if no such Alderman or Assistant Alderman has been appointed, the person arrested may be taken before the nearest Justice of the Peace with offices in Sussex County who shall hear and determine the charge, and who, in such case, is vested with all the authority and powers granted by this Charter unto the

Alderman or the Assistant Alderman. In the case of an arrest at a time when the Alderman or Assistant Alderman or the Justice of the Peace shall not be available to hear and determine the charge, the person arrested may be delivered to the correctional institution located in Sussex County for imprisonment until such reasonable time thereafter as shall enable the Alderman or Assistant Alderman or the Justice of the Peace to hear and determine the charge against such person.

(e) It shall be the duty of the police force to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town or the noisy conduct of any person in the same, and upon the view of the above or upon view of the violation of any ordinance of the Town relating to peace and good order thereof, the police force shall have the right and power to arrest without warrant.

ANNUAL AUDIT

Section 23. At the Annual Meeting herein before provided, the Mayor, with the advice and consent of a majority of the elected members of the Town Council, shall appoint an accountant to be the auditor of accounts of The Town of Greenwood. It shall be the duty of the auditor to audit the accounts of the Town and all its officers whose duty involves the collection, custody and payment of monies to the Town. The auditor shall audit the books of the Alderman and the Assistant Alderman of The Town of Greenwood, the records of all fines, penalties, costs imposed or collected by him pursuant to any judgment, order or decree made. The auditor shall, on or before the expiration of ninety(90) days from the end of the fiscal year, annually make and deliver a detailed report of any and all accounts, records, and books by them examined and audited which report under his hand and seal shall be printed in a newspaper having a general circulation in the Town in the issue immediately preceding the annual report. The auditor, in the performance of his duties, shall have access to all records and accounts of the offices of the Town Council and he is hereby authorized and empowered to employ such clerks as in his judgment may be necessary in the proper performance of his duties.

TAX ASSESSOR

Section 24.

(a) The Mayor shall appoint a Tax Assessor with the advice and consent of a majority of all the elected members of the Town Council for an indefinite term.

(b) The Tax Assessor shall be sworn or affirmed by the Mayor of The Town of Greenwood or by a Notary Public to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assessment of property and persons subject to taxation situate within the corporate limits of the Town and to perform such other duties and reference thereto as shall be prescribed from time to time by the Town Council of The Town of Greenwood. Compensation to be by him received for the performance of his duties shall be fixed by and subject to the approval of the Town Council of The Town of Greenwood.

(c)In making such assessment, the rules and exemptions now applicable by law to the making of the assessment for Sussex County of persons and property shall be applicable insofar as consistent with the provisions of this Charter. The Tax Assessor may adopt the assessment of Sussex County for any or all property located within the corporate limits of The Town of Greenwood.

ASSESSMENT OF TAXES

Section 25. The Tax Assessor shall, prior to ninety (90) days prior to the beginning of the next fiscal year, make a just, true and impartial annual valuation of all real property and improvements located thereon within The Town of Greenwood. All real estate shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be found or ascertained, it shall be assessed to "Owner Unknown." A mistake in the name of the owner or owners or a wrong name or an assessment to "Owner Unknown," shall not affect the validity of the assessment of any municipal tax

or assessment based thereon; provided, however, the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds, in and for Sussex County. The Tax Assessor shall also make a personal assessment of all male and female citizens of the Town above the age of eighteen (18) years, whether an owner of real estate or not; said personal assessment shall be determined by the Town Council and certified to the Tax Assessor. Said personal assessment or per capita tax shall be in addition to the assessment levied on real estate owned or assessed by any person or persons whomsoever.

(a) The Tax Assessor, after making such annual assessment, shall, at least ninety (90) days prior to the end of the fiscal year, deliver to the Town Council of The Town of Greenwood a list containing the names of all persons assessed and the amount of assessment against each. He shall also deliver at such time as many copies of said list as the Town Council shall direct.

(b) The annual assessment shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per capita assessment shall appear in separate columns or spaces. In making this assessment, the Tax Assessor shall make its valuation accordingly.

(c) The real property of the Tax Assessor shall be assessed by the Town Council of The Town of Greenwood.

(d) Immediately upon receiving the annual assessment list from the Tax Assessor, the Town Council of The Town of Greenwood shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung in a public place in The Town of Greenwood and there it shall remain for a period of at least ten (10) days for the information or an examination by all concerned. Appended thereto and also in five (5) or more public places in said Town shall be posted notices advertising to all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices, at the next regular meeting of the Town Council, the Town Council will hold a court of appeals at which time and place they shall hear appeals from the said annual assessment. The decision of the Town Council sitting as the Board of Appeals shall be final and conclusive and said Town Council shall revise and complete said assessment at this sitting. No member of the Town Council shall sit upon his own appeal but the same shall be heard and determined by the other Councilmen.

(e) The Tax Assessor shall be present on the day fixed for hearing appeals and shall furnish to the Town Council such information and answer such questions as the Town council may require in respect to any assessment for which an appeal has been taken. The Town Council shall have the authority to enforce the attendance of the Tax Assessor by appropriate process.

LEVY OF ANNUAL TAXES

Section 26.

(a) At the first regular meeting in the last month of the fiscal year, after having revised and completed the assessment, the Town Council shall determine, in its best judgment and knowledge, the total amount necessary to be raised by the Town to meet the fixed and anticipated expenses and obligations of the Town, including reasonable and appropriate reserves, for the then current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover anticipated expenses and emergencies.

(b) The Town Council should then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source. They shall then proceed to determine, assess, fix and/or levy as follows:

(1) The rate of tax on real estate including improvements thereon per One Hundred Dollars ($100.00) of the assessed value; and/or

(2) The amount of personal or per capita tax upon each citizen of the Town over the age of eighteen (18) years; and/or

(3) The rate of tax upon all poles, construction, erections, wires and appliances more particularly mentioned, or intended so to be in Section 29 of this Charter as amended; and/or

(4) The several license fees to be charged for carrying on or conducting of the several businesses, professions or occupations more particularly mentioned or intended so to be in Section 29 of this Charter, as amended; and/or

(5) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front footage assessment; and/or

(6) The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and estimation to realize the amount to be raised from each such source determined by them to be used as aforesaid; provided, however, that sources (4), (5) and (6) aforementioned may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and at any regular or special meeting of the Town Council as the Town Council, in its proper discretion, shall determine.

(c) Immediately after the last regular meeting prior to the end of the fiscal year of each and every year, the Town Council shall make, or cause to be made, a full, true and correct Annual Tax List showing the amount of tax levied against each taxable thereon from sources (1), (2) and (3) above-mentioned. This list shall be known as the Annual Tax List of The Town of Greenwood. In addition to the information contained in the assessment list, it shall also contain information as to the rate of tax upon real estate for each One Hundred Dollars ($100.00) of assessed valuation thereof.

(d) The Town Council shall cause to be delivered to the Town Manager a duplicate of said Annual Tax List and the Tax Collector shall immediately proceed to collect the same as hereinafter provided.

(e) Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due The Town of Greenwood under the existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in The Town of Greenwood created hereby.

COLLECTION OF ANNUAL TAXES

Section 27.

(a) The Tax Collector, as soon as the Town Council shall have placed in his hands a duplicate Annual Tax List, shall proceed at once to collect the taxes on said duplicate list.

(b) All taxes so laid or imposed by The Town of Greenwood in such Annual Tax List shall be and constitute a lien upon all the real estate of the taxable for a period of ten (10) years against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed at any time after such taxes shall have been levied and imposed that is situate within The Town of Greenwood. Such lien shall have preference and priority to all other liens on such real estate, as aforesaid, created or suffered by the said taxable, although such lien or liens be of a time and date prior to the time of the attaching of such lien for taxes.

(c) All taxes, when and as collected by the Tax Collector, shall be paid to The Town of Greenwood, and all taxes shall be due and payable at and from the time of the delivery of the Annual Tax List to the Town Manager.

(d) All taxes shall be payable at the Office of the Tax Collector during the regular business hours of that Office.

(e) On all taxes paid after thirty (30) days following the delivery of the duplicate Annual Tax List to the Tax Collector there shall be added a penalty of Five Percent (5%) for each month or fraction thereof such taxes shall remain unpaid and said penalty shall be collected in the same manner as the original amount of the tax. The Town Council shall have the power to make

just allowances for delinquencies in the collection of taxes. All taxes unpaid after May 31 of each year shall be considered delinquent. In effecting a collection of delinquent tax, the Town Council may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax and any penalty imposed thereon.

(f) At the annual meeting of the Town Council of each year, the Tax Collector shall account to the Town Council for all taxes and sewer rentals collected by him during the year and shall be liable on his bond for failure to account for any uncollected taxes or sewer rentals unless he can show to the satisfaction of the Town Council that all remedies permitted for the collection of said taxes were pursued without result or, if not pursued, the remedies would have been without avail.

(g) The Tax Collector, when any tax has become delinquent, may, in the name of The Town of Greenwood, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Sussex County, or in the Superior Court of the State of Delaware, in and for Sussex County, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of execution as in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas, or in the Superior Court, as the case may be.

(h) However, should the Tax Collector so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure at the direction of the Town Council:

(1) The Tax Collector shall present in the name of The Town of Greenwood to the Superior Court of the State of Delaware in and for Sussex County, a petition in which shall be stated:

(A) The name of the taxable;

(B) The year for which the tax was levied;

(C) The rate of tax;

(D)The total amount due;

(E) The date from which interest and the penalty for nonpayment shall commence and the rate of such interest and penalty and any collection charge permitted;

(F) A reasonable, precise description of the lands and tenements proposed to be sold;

(G) A statement that the bill of said tax has been mailed to the taxable at his last known post office address with return receipt requested by certified mail and postage prepaid.

(H) That it has been found impartial to attempt to collect the said tax by any other remedy herein before provided. The petition shall be signed by the Secretary of Town Council and shall be verified before a Notary Public.

(2) At least ten (10) days prior to the filing of any such petition as described herein, the Secretary of Town Council shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable at his last known address, requiring a registered receipt returnable, an itemized statement of the tax due, together with all interest, penalties, collection charges, and costs then due thereon, together with a notice to the dilinquent taxpayer that he shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The Secretary of Town Council shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that if the taxpayer cannot be found, it shall be sufficient for the Secretary of Town Council to file with said petition the evidence that such statement has been mailed in accordance with this Subsection and has been returned.

(3) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and

for Sussex County, and shall endorse upon the said record of said petition the following: "This petition, filed the day of , A.D. , and the Secretary of the Town Council of The Town of Greenwood is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount due." This endorsement shall be signed by the Prothonotary.

(4) Any sale of lands and tenements of a delinquent taxpayer shall be advertised in five (5) public places in The Town of Greenwood, one of said public places shall be the Town Office and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in the Town. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least ten (10) days before the day fixed for the sale and the newspaper advertisement shall be published at least one (1) week before the day of the sale.

(5) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Sussex County, at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be approved, the Tax Collector making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; if the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

(6) No sale shall be approved by the Superior Court if the owner be ready at court to pay the taxes, penalty, collection fees and costs. No deed shall be made until the expiration of one (1) year from the date of the sale within which time the owner, his heirs, executors,or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns, the costs, the amount of the purchase price, and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(7) After satisfying the tax due and the costs of expense of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land. Upon the refusal of the said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in The Town of Greenwood, either to the credit of the owner or in a manner in which the fund may be identified.

(8) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be:

(A) To the Prothonotary for filing and recording the petition, Five Dollars ($5.00);

(B) For filing and recording the return of sale, Five Dollars ($5.00);

(C) To the Tax Collector for preparing the Certificate, Twenty-five Cents ($.25); for making the sale of lands, Two Dollars ($2.00); for preparing and filing a return, One Dollar and Fifty Cents ($1.50); for posting sale bills, One Dollar ($1.00). In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale.

(9) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(10) If any person is assessed for several parcels of land and tenements in the same assessment in The Town of Greenwood, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that the land alienated by the delinquent taxpayer shall not be sold until other property of the taxpayer shall have been disposed of and there still remains a delinquency.

(11) In the event of death, resignation or removal from office of the Tax Collector of The Town of Greenwood before the proceedings for the sale of lands shall have been completed, his successor in office shall succeed to all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser of said sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise, may refer to the Superior Court of the State of Delaware, in and for Sussex County, a petition representing the facts and praying for an order authorizing and requiring the Tax Collector to execute and acknowledge a deed conveying to the petitioner the premises so sold or a just portion thereof; and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(12) The Tax Collector shall have the same right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.

TOWN BUDGET

Section 28.

(a) The fiscal year for The Town of Greenwood shall be as determined by Resolution of the Town Council.

(b) Annually each year and not later than sixty (60) days prior to the beginning of the next fiscal year, the Treasurer of The Town of Greenwood shall prepare a rough draft of the Town Budget. From this rough draft, the Town Council shall, not later than the regular meeting following the presentation of the rough draft prepared of the Town Budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year, adopt the budget.

(c) The budget shall contain the following information:

(1) An estimate showing the expenses for conducting the affairs of the Town for the ensuing fiscal year;

(2) The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof;

(3) The amount of the debt of the Town, together with the schedule of maturities of bond issues;

(4) An itemized statement of all other estimated expenses to be incurred in the affairs of the Town for the ensuing fiscal year;

(5) A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year and the amount required for the "Sinking Fund" or "Sinking Funds";
(6) An estimate of the amount of money to be received from taxes, water rents, sewer service charges, front footage assessments, license fees and all other anticipated income of the Town from any source or sources whatsoever.

(d) The Town Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

ENUMERATION OF POWERS

Section 29.

(a) Not by way of limitation upon the power vested in the Town Council of The Town of Greenwood to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town Council is vested by the Charter with the following powers, to be exercised by the Town Council in the interest of good government and the safety, health and public welfare of the Town, its inhabitants and affairs, that is to say:

(1) To prevent vice, drunkenness and immorality.

(2) To provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.

(3) To prohibit all gaming and fraudulent devices.

(4) To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games.

(5) To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, page, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley water course, park, lake, crosswalk, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb or gutter or portion thereof in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; to enter into contracts or agreement for the doing thereof, including contracts or agreements with the State of Delaware for the permanent maintenance, repair and upkeep of the street, lane, alley, roadway or other public thoroughfare within the Town.

(6) To regulate or control the observance of the Sabbath Day.

(7) To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same.

(8) To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer and manure plants or establishments, swine pens, privies, water closets in any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or a noxious nature.

(9) To enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.
(10) To prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent, sign, post or any other erection or projection in, over, upon or under any street, highway, alley, lane, water course, park, lake, sidewalk, crosswalk, sewer, drain, aqueduct or pipeline of the Town.

(11) To define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare.

(12) To provide an ample supply of pure water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by The Town of Greenwood may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for

any willful or negligent injury, or damage to or interference with the water system or the equipment of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the municipality itself.

(13) To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for any willful or negligent injury or damage to, or interference with, the said system, plan or facilities. To furnish or refuse to furnish sewer disposal service from the Town system to places and properties outside the Town limits. In the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the Town itself.

(14) To provide, construct, extend, maintain, manage and control the plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for lighting the streets,highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, docks, public buildings or other public places in the Town and to this end, to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessarily proper to light the Town, and to furnish proper connections for electric current and gas to the properties of the inhabitants of the Town who may desire the same; to regulate and prescribe for what private or public purposes the current or gas furnished by the Town may be used, the manner of it use, the amount to be paid by the users thereof, the means whereby such amounts are to be collected and the fines or penalties, or both, for any willful or negligent injury or damage to or interference with the electric or gas system or systems of the Town; to furnish or refuse to furnish electric current or gas from the Town's system or systems to places and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to users within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the Town itself.

(15) To fully control within the Town the drainage of all water and to that end to alter or change the course and direction of any natural water course, runs and rivulet within the Town, to regulate, maintain, clean and keep the same open, cleaned and unobstructed, and to provide, construct, extend and maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.

(16) To provide, construct, extend, maintain, manage and control embankments, or fills for the preservation of any high land within the limits of the Town and contiguous thereto to the end that the same may be preserved, properly protected and that the general public might enjoy the use thereof.

(17) To grant franchises or licenses to any responsible person, firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions and for such consideration of the Town Council shall deem in the best interest of the municipality, to use the present and future streets, highway, lanes, alleys, water courses, parks, lakes, sidewalks, crosswalks, and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer,drainage, electric current, telephone,

telegraph, television,railroad (excepting railroads or railways engaged in Interstate Commerce), bus, taxi or other transportation, carrier or public service to the Town, unto the persons, firms or corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of vending any article of merchandise or service upon or from any vehicle upon any present and future street, highway, lane, alley, etc.; provided that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.

(18) To regulate and control the exercise of any license or franchise mentioned in Section 29 of this Charter, or intended so to be.

(19) To direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highway, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.

(20) To direct the digging down, draining, fill up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

(21) To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and avenues.

(22) To regulate, control or prevent the use or storage of gun powder, fireworks, tar, pitch, resin, and all other combustible materials and the use of candles, lamps, and other lights in stores, shops, stables and other places; to suppress, remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires.

(23) For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; to zone or district the Town and make particular provisions for particular zones or districts with regard to building or building material; and, generally, to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22, Del. C. of 1974, and all amendments heretofore or hereafter adopted.

(24) To acquire, build, erect and maintain a suitable place as a lock-up or jail for the Town which shall be used as a place of detention for persons convicted of violations or law or ordinance, or for detention of persons accused of violations of law or ordinances, for a reasonable time in cases of necessity prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars and vagrants; provided that any correctional institution located in Sussex County may be used for any such purpose.

(25) To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping the offices of the Town.

(26) To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other devices for discharging missiles which may cause bodily injury or injury or harm to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.

(27) To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding Five Hundred Dollars ($500.00) or sixty (60) days or both.

(28) To provide for the organization of a fire department and the control and government thereof; to establish fire limits and to do all

things necessary for the prevention or extinguishment of fires; and, at the discretion of the Town Council, to contribute, donate or give an amount or amounts not to exceed in the total during any fiscal year three percent (3%) of the total taxes levied on real estate unto any volunteer fire company or companies incorporated under the laws of the State of Delaware, or any volunteer fire association or associations maintaining and operating fire fighting equipment and service to the Town; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the Town Council shall deem advisable.

(29) To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, charge growing out of the abatement of nuisances and the like, laying out and repairing sidewalks, curbs or gutters, or other charges due the Town and to sell the same.

(30) To levy and collect taxes for any and all municipal purposes upon all real estate and improvements located thereon; provided, however, that the amount to be raised from this source shall not exceed in any one year the sum of Five Hundred Thousand Dollars ($500,000.00); and provided further, that there shall be no limitation upon the amount which may be raised form the taxation of real estate for the payment of interest on and principal of any bonded indebtedness whether herein before or hereafter incurred.

(31) To levy and collect a personal or per capita tax upon all persons resident within the corporate limits of The Town of Greenwood to be used for any and all municipal purposes.

(32) To levy and collect taxes upon all telephone, telegraph, power poles pipelines, rail lines or other constructions or erections of a like character, erected within the limits of the Town, together with the wire or other appliances thereto or therein attached; expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in Interstate Commerce for any and all purposes and to this end may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee or such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies provided for the collection thereof set forth in Section 26 of this Charter,the Town Council shall have the authority to cause the same to be removed.
(33) To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Town) of such various amounts as the Town Council from time to time shall fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Town; provided, however, that nothing contained herein shall be so construed as to make it mandatory upon any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

(34) To determine from which authorized source and in what proportion taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the Town and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.

(35) To provide for the collection of and disbursement of all monies to which the Town may become entitled by law, including licenses and fines where no provision for the collection and disbursement thereof is otherwise provided in this Charter.

(36) To borrow money in the name of the Town for any proper municipal purpose and in order to secure the payment of the same to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall select for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness

issued by the Town shall be exempt from all state, county or municipal taxes; provided, however, that in no event shall the indebtedness of the Town for any and all purposes at any one time exceed in the aggregate twenty-five percent (25%) of the assessed value of all real estate in the Town subject to the assessment for the purpose of levying the annual tax herein before mentioned unless authorized in a greater amount by the General Assembly of the State of Delaware.

(37) To acquire, and/or to vacate the use of lands, tenements, personal property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to The Town of Greenwood by this Charter. Proceedings by way of condemnation in any case shall be as prescribed in Chapter 61, Title 10, Del. C. of 1974, as heretofore or hereafter amended.

(38) To appropriate money to pay the debts liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereat, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.

(39) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other amount due the Town by the performance of labor or service of the Town by any person owing the same.

(40) To inquire into and investigate the conduct of any officer, agent or employee of the Town or any municipal affair and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and the production of books, papers, or other evidence by subpoena.

(41) To establish by ordinance duly adopted pursuant to this Charter a Pension Plan or a Health and Welfare Plan, or both, for the employees of the Town under such terms and conditions as the Town Council, in its discretion, may deem most appropriate, provided, however, that any annual appropriation which is made by the Town Council under any such Pension Plan or any Health and Welfare Plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of the Town; and provided further, that the method of funding may, if deemed desirable by the Town Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the elected members of the Town Council.

(42) To borrow money in anticipation of revenues on the full faith and credit of The Town of Greenwood a sum or sums not exceeding One Hundred Thousand Dollars ($100,000.00) in any one year when, in the opinion of a majority of the Town Council of The Town of Greenwood, the needs of the Town require it. Any sum so borrowed shall be secured by promissory notes of The Town of Greenwood, duly authorized by Resolution adopted by the Town Council of The Town of Greenwood, and signed by the Mayor of The Town of Greenwood and attested by the Secretary of the Town Council with the corporate seal affixed, and no officer or member of the Town Council shall be liable for the payments of such notes because it is signed by them as officers of the Town and is authorized by the Resolution of the Town Council; provided, however, that the total sum outstanding at any one time shall not exceed One Hundred Thousand Dollars ($100,000.00); and provided further, that any sum of money so borrowed, as aforesaid, in any fiscal year, shall be paid from the general fund of the Town and shall be completely repaid at any time, but must be completely paid at the end of ten (10) fiscal years following the first fiscal year when said sum or sums were borrowed, with interest thereon; and provided that such ad valorem taxes shall be levied as is required without regard to any other limitation concerning the maximum rate of taxation and such notes and the interest thereon shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or subdivision thereof.

(43) To make, adopt and establish all such ordinances, regulations, rules and by-laws not contrary to the laws of the State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants; provided, however, that any ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one (1) mile from said limits.

STREETS

Section 30.

(a) The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever the Town Council shall deem it for the best interest of the Town.

(b) The procedure to be used for any of those things heretofore listed in this Section shall be as follows:

(1) Whenever five (5) or more property owners in a portion of the Town directed affected or abutting on the proposed street to be opened, laid out, changed, altered, widened, vacated or closed shall by written petition, with each signature duly acknowledged, request the Town Council to lay out, locate, or open a new street or to widen or alter any existing street or any part thereof or to vacate or abandon a street, or any part thereof, the Mayor of The Town of Greenwood shall appoint a committee composed of not less than three (3) of the elected members of the Town council to investigate the possibility of changing the structure of said streets in the Town. The petition presented to the Council by the property owners shall include a description of the property through which the proposed street shall be laid out or description of the shall take place and the reasons why the change in the structure of the streets of the Town should be undertaken; or the Town Council, by a majority vote of the elected members thereof, may, by resolution, propose that a committee composed of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the Town.

(2) Not later than ninety (90) days following its appointment, the committee shall submit a report concerning its findings to the Mayor and the Town Council. The report shall contain the advantages and disadvantages to the Town caused by the changes of the street structure and shall contain the conclusion of said committee either recommending or disapproving the change of said street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of The Town of Greenwood, the Town Council, by Resolution, passed by a majority of the elected members of the Town Council concurring therein, shall propose to the property owners and citizens of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things herein before described to the existing street structure of the Town. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of The Town of Greenwood, the Resolution proposing the change in the street structure to the property owners and citizens of The Town of Greenwood shall be passed by a majority of three-fourths (3/4) of the elected members of the Town Council. The Resolution shall contain a description of the proposed change and shall affix a time and place for a public hearing on the matter of changing the street structure. The Resolution adopted by the Town Council shall be printed in a newspaper having a general circulation in The Town of Greenwood, or, in the discretion of the Town Council, the Resolution shall be posted in five (5) public places in the Town for at least one (1) week before the time set for

the public hearing. The notice shall be published at least one (1) week prior to the date set for the said public hearing. The Resolution shall also state the hour and place where and when the Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the Town.

(3) Whenever the Town Council shall have determined to locate or lay out or widen any street, lane or alley and shall have affixed compensation therefor, it shall be the duty of the Town Council immediately after the survey and location of said street, lane or alley, to notify by certified mail with return receipt requested and postage prepaid the owner or owners of the real estate through or over whom such street, lane or alley may run of their determination to open or widen the same and to furnish a general description or location thereof; also the amount of compensation or damages allowed to reach such property owner, and if such owner be not a resident of the Town, to notify the holder or tenant of said real estate and the owner of such property if his address be known; that there be no holder or tenant resident in said Town and the address of the owner be unknown or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the Town, as aforesaid, said property owner may, within ten (10) days after such notice, as aforesaid, was posted or mailed, appeal from written notice of assessment or compensation or damages by serving written notice by certified mail with return receipt requested and postage prepaid,on the Mayor of the Town to the effect that he or she is dissatisfied with the amount of such compensation or damages, and that it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware in and for Sussex County, for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute such appeal, such owner shall, within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of the State of Delaware, in and for Sussex County, for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a commission directed to five (5) freeholders of said county, three (3) of whom shall be residents of The Town of Greenwood, and two (2) of whom shall be non-residents of said Town, requiring them to assess the damages which the owner of real estate through or over which the said street, lane or alley shall pass or who shall have suffered damage because of any other action taken by the Town pursuant to the provisions hereof and who shall have notified the said Town Council of their intention to appeal may incur by reason thereof and to make a return of their proceeding to the said Judge at the time therein appointed.

(4) The freeholders named in such commission, being first duly sworn or affirmed, shall view the premises and may, or a majority of them, shall assess the damages, as aforesaid, and shall make return in writing of their proceedings to the said Judge who shall deliver and return to the Town Council their return which shall be final and conclusive. The said Judge shall have the power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto within thirty (30) days after the same shall be finally ascertained or if the person or persons so entitled reside out of or are absent from the Town during the said period of thirty (30) days, then the same shall be deposited to his or her credit in any bank or trust company with offices, in Greenwood, Sussex County, Delaware, within said time and thereupon the said property or lands may be taken or occupied for the use as aforesaid.

(5) If the ascertainment and assessment of damages by the freeholders appointed by the Judge, as aforesaid, shall be increased, the cost of the appeal shall be paid by the Town out of any money in the hands of the Treasurer of The Town of Greenwood belonging to the Town, but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the commission shall receive and be entitled for each day's actual service

or of any part of a day the sum of Five Dollars ($5.00). After the damage shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements or, upon the payment of the costs only, may abandon the proposed improvements. In the event that either party feels that the damages assessed are not just as being excessive or inadequate, an appeal may then be prosecuted at the Supreme Court of the State of Delaware.

CURBING AND PAVING

Section 31.

(a) The Town Council shall have the power to cause to be paved or repaved the sidewalks of said Town, or any part or portion thereof, to cause to be repaired or relayed existing curbs or gutters, or both, or any part or portion thereof, or to cause to be laid, installed or constructed new curbs or gutters, or both, or any part or portion thereof or to cause to be paved or repaved the streets of said Town, or any part or portion thereof, with such material or materials and of such width or size and subject to such specifications as the Town Council shall determine.

(b) Before the exercise of said power in any particular instance, the Town Council shall adopt an ordinance or resolution stating in effect that on a named day and at a named hour and place, the Town Council will meet to consider the question of paving or repaving the sidewalks, laying, repairing or relaying curbs or gutters, or both, with any specified material or materials or to construct new curbs or gutters or to pave new sidewalks or to pave new streets, or any of them.

(c) The ordinance and resolution shall specify the streets and the names and addresses of the owners of the property in front of or adjacent to whose property the work shall be done.

(d) The said ordinance or resolution shall be published at least one (1) week prior to the meeting of the Town Council in at least one (1) issue of a newspaper having a general circulation in The Town of Greenwood.

(e) The Town Council shall hold a meeting in said Town pursuant to the provisions of said ordinance or resolution and at such meeting shall hear owners of property and other residents of the Town appearing on the question referred to in the said ordinance or resolution.

(f) Following said hearing, the Town Council, either at said meeting or at a subsequent meeting, shall decide whether to proceed with the improvements referred to in said ordinance or resolution, or any part thereof, and if it shall decide to proceed, it shall determine whether the whole or some specified proportion of the cost of the improvements, repairs or replacements shall be assessed to the owner or owners of the property in front of or adjacent to whose property the said improvements, repairs or replacements are being constructed or installed. If the Town Council concludes that the whole or a specified proportion of said cost shall be borne by said owners, the said owners shall be compelled to pay the whole or the specified proportion of the cost of said work, the amount to be paid to be determined by the linear footage of the parcel in front of which the sidewalk is to be paved or repaved or the gutter to be laid, repaired or replaced or the curb to be repaired, constructed or installed or the street to be paved or repaved or any or all of said improvements, as the case may be.

(g) When the said paving or repaving, curbing or recurbing, guttering or reguttering, or any or all of them shall have been completed and the cost thereof ascertained, the Town Council shall ascertain the amount that the owner of each parcel shall pay and shall give written notice thereof to such owner, or one of the co-owners if there be more than one (1) owner, by mailing the same to his last known address by first class mail, with postage prepaid. If any owner shall fail to pay the specified amount within thirty (30) days after the mailing of said notice, the amount, together with costs and interest may be collected by the Town Council in the same manner and on the same terms and conditions as are provided in this Charter for the collection of delinquent taxes.

(h) Any notice sent to one (1) co-owner shall be notice to all owners and in a case where no owners reside within the corporate limits of The Town of Greenwood, notice served as set forth herein or posted upon the premises shall be sufficient.

(i) Provisions contained herein shall apply to any ordinance or resolution enacted or adopted by the Town Council in respect to any pavement, sidewalk, gutter, curb, street heretofore made or done which the said Town Council may deem to need repair or replacement.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 32.

(a) The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of The Town of Greenwood to provide funds for the erection, extension, enlargement, purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public, forthe construction, repair and improvements of highways, streets or lanes or the paving, curbing or erection of gutters and curbs along the same; for the purchase of real estate for any municipal purpose; for the construction or repair of sewage disposal equipment; or to defray the cost or the share of the Town of the costs of any permanent municipal improvements; provided, however, that the borrowing of money therefor shall have been authorized for the Town Council in the manner following:

(1) The Town Council by Resolution shall propose to the residents and property owners of the Town that the Town Council proposes to borrow a certain sum of money for any of the purposes above stated. The Resolution shall state the amount of money desired to be borrowed, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession at the time and place for a hearing on the said Resolution.

(2) Notice of the time and place of the hearing on the Resolution authorizing said loan shall be printed in a newspaper having a general circulation in the Town or distributed in circular from at least one week before the time set for the public hearing.

(3) Following the public hearing, a second Resolution shall then be passed by the Town Council ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing to borrow the same money, the said Special Election to be for the purpose of voting for or against the proposed loan. The passing of the second Resolution calling a Special Election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue.

(4) The notice of the time and place of holding the said Special Election shall be printed in two (2) issues of a newspaper having a general circulation in The Town of Greenwood within thirty (30) days prior to the said Special Election or distributed in circular form at least fifteen (15) days prior to the Special Election, or both, at the discretion of the Town Council.

(5) At the said Special Election, every citizen of The Town of Greenwood shall have one (1) vote and, in addition, every partnership or corporation owning property within the corporate limits of The Town of Greenwood shall also have one (1) vote and the said votes may be cast either in person or by proxy.

(6) The Town Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the said Special Election. The Special Election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The Mayor of The Town of Greenwood, by and with the advice and consent of the majority of the Town Council shall appoint three (3) persons to act as a Board of Special Election. The polling places shall be opened from twelve

o'clock noon, prevailing time, until five o'clock in the evening, prevailing time, on the date set for the Special Election.

(7) The Board of Special Election shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Special Election shall make a certificate under their hands of the number of votes cast for and against the proposed loan and the number of void votes and shall deliver the same to the Town Council, which said certificate shall be retained by the Town Council with the other papers of the Town Council.

(8) The form of the bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the classes of the bond, the time or times of maturity, and the provisions as to registration shall be determined by the Town Council after the said Special Election.

(9) The bonds may be sold at either public or private sale. If it is determined to sell the bonds at public sale, they shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be described by the Town Council.

(10) The Town Council shall provide in its budget and in the fixing of the rate of tax for the payment of interest on and principal of the said bonds at the maturity thereof.

(11) The faith and credit of The Town of Greenwood shall be deemed to be pledged for the due payment of interest thereon issued pursuant to the provisions hereof when the same had been properly executed and delivered for value.

(b) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of twenty-five percent (25%) of the assessed value of real property situate within the limits of The Town of Greenwood shown by the last assessment preceding the creation of the said indebtedness, unless authorized in a greater amount by the General Assembly of the State of Delaware.

ACTIONS OR SUITS

Section 33. No action, suit or proceeding shall be brought or maintained against The Town of Greenwood for damages either compensatory or punitive on account of any physical injury or injuries, death or injury to property by reason of the negligence, simple, gross, or willful or wanton conduct, of the said Town of Greenwood, or any of its departments, officers, agents, servants or employees unless the person by or on behalf of upon such claim or demand is asserted, within ninety (90) days from the happening of said injury or the suffering of such damages shall notify The Town of Greenwood in writing of the time, place, cause, character and extent of the injury sustained or damages suffered. Such notice shall be directed to the Mayor of The Town of Greenwood by certified mail with return receipt requested and postage prepaid.

COMPENDIUM

Section 34. It shall be the duty of the Town Council, at reasonable time or times, to compile the ordinances, current regulations, orders and rules of The Town of Greenwood. The Town Council shall have a reasonable number of copies printed for the use of the officials of the Town and for public information. From time to time, upon the enactment of new ordinances, current rules and regulations, or upon the enactment of amendments to the same, the Town Council shall enroll the same in a book to be provided for that purpose so that the same may be readily examined. It shall furnish the Mayor of The Town of Greenwood copies thereof as they are enacted and therefrom may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

REVIVAL OF POWERS AND VALIDATING SECTION

Section 35.

(a) All powers conferred upon or vested in the Town Council of The Town of Greenwood by any act or law of the State of Delaware not in conflict with the provisions of this Charter are hereby expressly conferred upon and vested in

The Town of Greenwood and/or the Town Council of The Town of Greenwood precisely as if each of said powers was expressly set forth in this Charter.

(b) All ordinances adopted by the Town Council of Greenwood and in force at the time of approval, acceptance and going into effect of this Charter are continued in force until the same or any of them shall be repealed, modified or altered by the Town Council of The Town of Greenwood under the provisions of this Charter.

(c) All of the acts and doings of the Town Council of Greenwood or of any official of the Town Council of Greenwood which shall have been lawfully done or performed under the provisions of any law of this State or of any ordinance of the Town Council of Greenwood or under any provision of any prior Charter of The Town of Greenwood, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.

(d) All taxes, assessments, license fees, penalties, fines, and forfeitures due The Mayor and Council of The Town of Greenwood shall be due The Town of Greenwood and all debts due from The Mayor and Council of The Town of Greenwood shall remain unimpaired until paid by The Town of Greenwood.

(e) All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by the Town Council of The Town of Greenwood.

(f) The bonds given by or on account of any official of The Town of Greenwood shall not be impaired or affected by the provisions of this Charter.

(g) All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter be and the same are hereby repealed to the extent of any such inconsistency.

(h) If any part of this Charter shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions of this Charter.

(i) This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

Approved July 5, 1991.

CHAPTER 110

FORMERLY

HOUSE BILL NO. 97

AN ACT TO AMEND CHAPTER 1, TITLE 20, OF THE DELAWARE CODE RELATING TO UNIFORM AND EQUIPMENT ALLOWANCE TO DELAWARE NATIONAL GUARD OFFICERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 183, Chapter 1, Title 20 of the Delaware Code by deleting the words "the sum of $50" and inserting in lieu thereof the words "such sum as may be appropriated by the General Assembly".

Approved July 5, 1991.

CHAPTER 111

FORMERLY

HOUSE BILL NO. 214
AS AMENDED BY HOUSE AMENDMENT NOS. 3 AND 4 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND DELAWARE CODE, TITLE 14, CHAPTER 85 RELATING TO PRIVATE BUSINESS AND TRADE SCHOOLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Delaware Code, Title 14, Subsection 8504, by adding thereto new paragraphs (7)(a) and (b) to read as follows:

(a) If an institution admits as a regular student a person who does not have a high school diploma or its equivalent, the institution shall determine, at the time of admission, whether that person has the ability to benefit from the education or training the institution offers.

(b) An institution shall determine whether a person described in paragraph (a) of this section has the requisite ability by administering to the person a nationally recognized, standardized, or industry developed test approved by the Secretary of the U.S. Department of Education and shall include the test and results in the student's permanent record file; or by providing evidence that an assessment of the person's basic skills and aptitudes has been conducted and that the assessment indicates that the person has the ability to benefit from the education or training the institution offers and shall include the method used and results in the student's permanent record file.

Section 2. Amend Delaware Code, Title 14, Subsection §8505 (a)(3), by striking said subsection in its entirety and by substituting in lieu thereof the following:

(a)(3)(a) As a condition for granting certification each school must maintain a cancellation and settlement policy which must provide a full refund of all monies paid by a student if:

(1) the student cancels the enrollment agreement or contract within 72 hours (until midnight of the third day excluding Saturdays, Sundays, and legal holidays) after the enrollment contract is signed by the prospective student;

(2) the enrollment of the student was procured as the result of any misrepresentation in advertising, promotional materials of the school, or representations by the owner or representative of the school.

(b) As a condition for granting certification, each school must maintain a policy for the refund of the unused portion of tuition, fees, and other charges in the event the student, after expiration of the 72-hour cancellation privilege, fails to enter the course, or withdraws, or is discontinued therefrom at any time prior to completion, and such policy must provide:

(1) refunds for private business and trade school courses will be based on the period of enrollment computed on the basis of course time expressed in clock hours;

(2) the effective date of the termination for refund purposes in private business and trade schools will be the earliest of the following:

(A) the last date of attendance, if the student is terminated by the school;

(B) the date of receipt of written notice from the student;

(C) ten school days following the last date of attendance;

(3) if tuition is collected in advance of entrance, and if, after expiration of the 72-hour cancellation privilege, the student does not enter the private business and trade school, not more than $100 shall be retained by the school;

(4) for the student who enters a private business and trade school course of not more that 12 months in length, terminates or withdraws, the school may retain $100 of tuition and fees and the minimum refund of the remaining tuition will be;

(A) After 0.01% enrollment time of the course, 80 percent of the remaining tuition;

(B) After 5% to 9.9% enrollment time of the course, 70 percent of the remaining tuition;

(C) After 10% to 14.9% enrollment time of the course, 60 percent of the remaining tuition;

(D) After 15% to 24.9% enrollment time of the course, 55 percent of the remaining tuition;

(E) After 25% to 49.9 percent enrollment time of the course, 30 percent of the remaining tuition;

(F) After 50% or more enrollment time of the course, the student may be considered obligated for the full tuition.

Enrollment time is the time elapsed between the actual starting date and the date of the student's last day of physical attendance in the school.

(5) for private business and trade courses more than 12 months in length, the refund shall be applied to each 12-month period, or part thereof separately;

(6) refunds of items of extra expense to the student, such as instructional supplies, books, student activities, laboratory fees, service charges, where these items are separately stated and shown in the date furnished the student before enrollment, will be made in a reasonable manner acceptable to the administrator;

(7) refunds based on enrollment in private business and trade schools will be totally consummated within 30 days after the effective date of termination;

(8) refunds for correspondence courses will be computed on the basis of the number of lessons in the course;

(9) the effective date of the termination for refund purposes in correspondence courses will be the earliest of the following:

(A) the date of notification to the student if the student is terminated;

(B) the date of receipt of written notice from the student;

(C) the end of the third calendar month following the month in which the student's last lesson assignment was received unless notification has been received from the student that he wishes to remain enrolled;

(10) if tuition is collected before any lessons have been completed, and if, after expiration of the 72-hour cancellation privilege, the student fails to begin the course, not more that $50 shall be retained by the school;

(11) in cases of termination or withdrawal after the student has begun the correspondence course, the school may retain $50 of tuition and fees, and the minimum refund policy must provide that the student will be refunded the pro rata portion of the remaining tuition fees

and other charges that the number of lessons completed and serviced by the school bears to the total number of lessons in the course;

(12) refunds based on enrollment in correspondence schools will be totally consummated within 30 days after the effective date of termination.

(c) In lieu of the refund policy herein set forth, for programs of instruction not regularly offered to the general public, the State Board of Education may, for good cause shown, amend, modify, substitute and/or alter the terms of such policy due to the specialized nature and objective of the subject school's course of instruction.

(d) If a course of instruction is discontinued by the school and this prevents the student from completing the course, all tuition and fees paid are then due and refundable.

Section 3. Amend Delaware Code. Title 14, Subsection 8505(b) by adding a new paragraph to read as follows:

Surety bonds may only be cancelled during or at the end of any annual term by the bonding agency by giving 45 days prior notice in writing by certified mail, return receipt requested, to the Administrator, Private Business and Trade School's, Vocational Division, State Department of Public Instruction, State of Delaware, P.O. Box 1402, Dover, Delaware 19903.

Section 4. Amend §8505(a)(4), Title 14, Delaware Code by deleting the time period "30 days" as it appears therein, and by inserting in lieu thereof the time period "72 hours".

Approved July 5, 1991.

CHAPTER 112

FORMERLY

HOUSE SUBSTITUTE NO. 1
TO
HOUSE BILL NO. 140 AS AMENDED BY HOUSE AMENDMENT NO. 3

AN ACT TO AMEND CHAPTER 42, TITLE 18, DELAWARE CODE, RELATING TO VARIOUS ASPECTS OF THE INSURANCE GUARANTY ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4203, Chapter 42, Title 18, Delaware Code, by deleting this Section in its entirety and substituting in lieu thereof the following:

"§4203. Scope.

This Chapter shall apply to all kinds of direct insurance but shall not be applicable to the following:

(1) Life, annuity, health, and disability insurance;

(2) Mortgage guaranty, financial guaranty, and other forms of financial guarantees;

(3) Fidelity and surety bonds, or other bonding obligations;

(4) Credit insurance, vendors single interest insurance, or collateral protection insurance or any similar insurance protecting the interests of a creditor arising out of a creditor-debtor transaction;

(5) Insurance of warranties or service contracts;

(6) Title insurance;

(7) Ocean marine insurance;

(8) Any transaction or combinations of transactions between a person (including affiliates of such person) and an insurer (including affiliates of such insurer) which involves the transfer of an investment or credit risk unaccompanied by the transfer of insurance risk.

(9) Any insurance provided by or guaranteed by government."

Section 2. Amend §4205, Chapter 42, Title 18, Delaware Code, by deleting this Section in its entirety and substituting the following in lieu thereof:

"§4205. Definitions.

As used in this Chapter:

(1) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with an insolvent insurer on December 31, of the year next preceding the date the insurer becomes an insolvent insurer.

(2) "Association" means the Delaware Insurance Guaranty Association created under §4206 of this title.

(3) "Claimant" means any insured making a first party claim, any person instituting a liability claim; provided that no person who is an affiliate of an insolvent insurer may be a claimant.

(4) "Commissioner" means the Commissioner of Insurance of this State.

and other charges that the number of lessons completed and serviced by the school bears to the total number of lessons in the course;

(12) refunds based on enrollment in correspondence schools will be totally consummated within 30 days after the effective date of termination.

(c) In lieu of the refund policy herein set forth, for programs of instruction not regularly offered to the general public, the State Board of Education may, for good cause shown, amend, modify, substitute and/or alter the terms of such policy due to the specialized nature and objective of the subject school's course of instruction.

(d) If a course of instruction is discontinued by the school and this prevents the student from completing the course, all tuition and fees paid are then due and refundable.

Section 3. Amend Delaware Code, Title 14, Subsection 8505(b) by adding a new paragraph to read as follows:

Surety bonds may only be cancelled during or at the end of any annual term by the bonding agency by giving 45 days prior notice in writing by certified mail, return receipt requested, to the Administrator, Private Business and Trade School's, Vocational Division, State Department of Public Instruction, State of Delaware, P.O. Box 1402, Dover, Delaware 19903.

Section 4. Amend §8505(a)(4), Title 14, Delaware Code by deleting the time period "30 days" as it appears therein, and by inserting in lieu thereof the time period "72 hours".

Approved July 5, 1991.

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Section 1. Amend §4203, Chapter 42, Title 18, Delaware Code, by deleting this Section in its entirety and substituting in lieu thereof the following:

"§4203. Scope.

This Chapter shall apply to all kinds of direct insurance but shall not be applicable to the following:

(1) Life, annuity, health, and disability insurance;

(2) Mortgage guaranty, financial guaranty, and other forms of financial guarantees;

(3) Fidelity and surety bonds, or other bonding obligations;

(4) Credit insurance, vendors single interest insurance, or collateral protection insurance or any similar insurance protecting the interests of a creditor arising out of a creditor-debtor transaction;

(5) Insurance of warranties or service contracts;

(6) Title insurance;

(7) Ocean marine insurance;

(8) Any transaction or combinations of transactions between a person (including affiliates of such person) and an insurer (including affiliates of such insurer) which involves the transfer of an investment or credit risk unaccompanied by the transfer of insurance risk.

(9) Any insurance provided by or guaranteed by government."

Section 2. Amend §4205, Chapter 42, Title 18, Delaware Code, by deleting this Section in its entirety and substituting the following in lieu thereof:

"§4205. Definitions.

As used in this Chapter:

(1) "Affiliate" means a person who directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with an insolvent insurer on December 31, of the year next preceding the date the insurer becomes an insolvent insurer.

(2) "Association" means the Delaware Insurance Guaranty Association created under §4206 of this title.

(3) "Claimant" means any insured making a first party claim, any person instituting a liability claim; provided that no person who is an affiliate of an insolvent insurer may be a claimant.

(4) "Commissioner" means the Commissioner of Insurance of this State.

(5) "Control" means the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person. Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds the power to vote, or holds proxies representing ten percent (10%) or more of the voting securities of any other person. This presumption may be rebutted by showing the control does not in fact exist.

(6) "Covered claim" means an unpaid claim, including one for unearned premiums, submitted by a claimant, which arises out of and is with the coverage, and subject to the applicable limits, of an insurance policy to which this Act applies, issued by an insurer, if such insurer becomes an insolvent insurer after the effective date of this Act, and:

(a) the property from which the claim arises is permanently located in this State; or (b) the claimant or insured is a resident of this state at the time of the insured event. For entities other than individuals, for purposes of this Chapter, the State of residence of a claimant or insured shall be the state in which that entity has a principal place of business most closely related to the claim. "Covered claim" shall in no event include any amount awarded as punitive, bad faith or exemplary damages regardless of the language of the insurance policy involved; or any amount sought as a return of premium under any retrospective rating plan; or due any reinsurer, insurer, insurance pool, or underwriting association as subrogation monies or otherwise.

(7) "Insolvent insurer" means an insurer licensed to transact insurance in this State, either at the time the policy was issued or when the insured event occurred, and against whom an Order of Liquidation with a finding of insolvency has been entered after the effective date of this Act by a court of competent jurisdiction in the State of domicile or in this State under the provisions of Chapter 59 and which Order of Liquidation has not been stayed or been the subject of a writ of supersedes or other comparable order.

(8) "Net direct written premiums" means direct gross premiums written in this State on insurance policies to which this Chapter applies, less return premiums thereon and dividends paid or credited to policyholders on such direct business. "Net direct written premiums" does not include premiums on contracts between insurers or reinsurers.

(9) "Member insurer" means any person who: (a) writes any kind of insurance to which this Act applies under §3, including the exchange of reciprocal or inter-insurance contracts; and (b) is licensed to transact insurance in this State.

(10) "Person" means any individual, corporation, partnership, association or voluntary organization."

Section 3. Amend §4208(a)(1), Chapter 42, Title 18, Delaware Code by striking subsection (1) in its entirety and inserting the following in lieu thereof:

"(1) Be obligated to pay valid covered claims existing prior to the determination of the insolvency and arising within thirty (30) days after the determination of the insolvency or before the policy expiration date if less than thirty (30) days after the determination of an insolvency, or before the insured replaces the policy or causes its cancellation, if it is done within (30) days of that determination. Such obligation shall be satisfied by paying to the claimant an amount as follows: (i) the full amount of a covered claim for benefits under a workers' compensation insurance policy; (ii) an amount not exceeding $10,000 per policy for a covered claim for the return of an unearned premium; (iii) an amount not exceeding $300,000 per claimant for all other covered claims. In no event shall the Association be obligated to pay a claimant an amount in excess of

the obligation of the insolvent insurer under the policy or coverage from which the claim arises. Notwithstanding any other provisions of this Act, a covered claim shall not include any claim filed with the Association after the final date set by the court for the filing of claims against the liquidator or receiver of an insolvent insurer, provided, however, that a "covered claim" shall include any covered claim of which notice was given to the Association on or prior to June 30, 1991. The Association shall pay only that amount of each unearned premium which is in excess of $100.00."

Section 4. Amend Section 4208(a)(3), Chapter 42, Title 18, Delaware Code, by striking said section in its entirety and inserting the following in lieu thereof:

"(3) For the purpose of providing the funds necessary to carry out the powers and duties of the Association, the Board of Directors shall assess the member insurers, separately for each class, at such times and in such amounts as the Board finds necessary. Assessments shall be due not less than thirty (30) days after written notice to the member insurers.

a. There shall be three classes of assessments as follows:

1. Class A assessments shall be made for the purpose of meeting administrative costs and other expenses and examinations conducted under the authority of §4213 of this Chapter.

2. Class B assessments shall be made annually to partially subsidize the oversight activities of the Commissioner, thereby minimizing the need for Class C assessments.

3. Class C assessments shall be made to the extent necessary to carry out the powers and duties of the Association under this Chapter with regard to an insolvent member insurer.

b. The assessments shall be determined as follows:

1. The Class A assessments will be equal in amount as to each member and may be assessed not more often than once each year. Such assessment shall not exceed one hundred and fifty dollars ($150.00) annually.

2. The Class B assessments shall be made annually. The Commissioner shall determine the amount and shall so notify the Association on or before July 31st of each calendar year in which the assessment is to be made. Class B assessments will also be equal in amount as to each member. The said assessments shall be paid to the Insurance Commissioner's regulatory revolving fund. Not later than October 31st of each said calendar year, the Commissioner shall issue a report to the Association detailing the expenditure of those funds. Amounts not expended will remain in the revolving fund to be used in the succeeding year.

3. Class C assessments of each member insurer shall be in the proportion that the net direct written premiums of the member insurer for the preceding calendar year bears to the net direct written premiums of all member insurers for the preceding calendar year. If the maximum assessment, together with the other assets of the Association, does not provide in any one year, an amount sufficient to make all necessary payments, the funds available shall be pro-rated and the unpaid portion shall be paid as soon thereafter as funds become available. The Association may exempt or defer, in whole or in part, the assessment of any member insurer if the assessment would cause the member insurer's financial statement to reflect amounts of capital or surplus less than the minimum amounts required for a Certificate of Authority by any jurisdiction in which a member insurer is authorized to transact insurance.

c. The amounts assessed for Class B assessments shall in no event exceed one-tenth (1/10th) of one percent (1%) of the members' premiums for the year on which the assessment is based. The amounts assessed for Class B and Class C assessments combined shall not result in

members being assessed a total B and C assessment amount which exceeds 2% of the members' premiums written in the applicable year.

Section 5. Amend §4208(a)(9), Chapter 42, Title 18, Delaware Code, by striking it in its entirety.

Section 6. Amend Section 4211, Chapter 42, Title 18, Delaware Code, by striking subsection (a) in its entirety and substituting the following in lieu thereof:

"(a)(1). Any person recovering under this Act shall be deemed to have assigned his rights under the policy to the Association to the extent of his recovery from the Association. Every insured or claimant seeking the protection of this Act shall cooperate with the Association to the same extent as such person would have been required to cooperate with the insolvent insurer. The Association shall have no cause of action against the insured or the insolvent insurer for any sums it has paid out except such causes of action as the insolvent insurer would have had if such sums had been paid by the insolvent insurer and except as provided in subsection (a)(2) of this Section. In the case of an insolvent insurer operating on a plan with assessment liability, payments of claims of the Association shall not operate to reduce the liability of the insureds to the receiver, liquidator, or statutory successor for unpaid assessments.

(2). The Association shall have the right to recover from the following persons the amount of any covered claim paid on behalf of such person pursuant to the Act:

a. any insured whose average annual net worth for the three-year period ending on December 31 of the year next preceding the date the insurer becomes an insolvent insurer exceeds $50,000,000 and whose liability obligations to other persons are satisfied in whole or in part by payments made under this Act; and

b. any person who is an affiliate of the insolvent insurer and whose liability obligations to any other person are satisfied in whole or in part by payment under this Act. This subsection (a)(2) shall not apply retroactively and/or retrospectively and shall apply only as to insurer insolvencies which occur on or after June 30, 1991."

Section 7. Amend §4212, Chapter 42, Title 18, Delaware Code, by deleting the current section (a) in its entirety and inserting the following section in lieu thereof.

"(a) Any person having a claim covered under any provision in an insurance policy other than a policy of an insolvent insurer, which is also a covered claim, shall be required to first exhaust his rights such policy. Any amount payable on a covered claim under this chapter shall be reduced by the amount of any recovery under such insurance policy."

Section 8. Amend §4212, Chapter 42, Title 18, Delaware Code, by deleting the current section (c) in its entirety and inserting the following section in lieu thereof:

"(c) Any person having a claim or legal right of recovery under any governmental insurance or guaranty program which is also a covered claim shall be required to exhaust his rights under such program prior to recovery under this Act. Any amount payable on a covered claim under this Act shall be reduced by the amount of any recovery under such program."

Section 9. Amend §4213, Chapter 42, Title 18, Delaware Code by striking subsections (1) and (2) and inserting the following in lieu thereof:

"(1) The Board of Directors may, upon majority vote:

a. make recommendations to the Commissioner for the detection and prevention of insurer insolvencies; and

b. respond to requests by the Commissioner to discuss and make recommendations regarding the status of any member insurer whose financial condition may be hazardous to policyholders or the public. Such recommendations shall not be considered public documents.

(2) The Board of Directors may, at the conclusion of any domestic insurer insolvency in which the Association was obligated to pay covered claims, prepare a report on the history and causes of such insolvency, based upon the information available to the Association and submit such report to the Commissioner."

Section 10. Amend §4214, Chapter 42, Title 18, Delaware Code, by deleting the words "March 30" and inserting in lieu thereof the words "June 30".

Section 11. Amend §4217, Chapter 42, Title 18, Delaware Code by inserting the phrase "or any failure to act" between the words "action" and "taken" as they appear in said Section, and adding at the end of this section the following sentence: "Neither shall the association, its officers, agents and employees be subject to any claim for damages for bad faith."

Section 12. Amend §4218, Chapter 42, Title 18, Delaware Code by striking that section in its entirety and inserting the following in lieu thereof:

"§4218. Stay of proceedings; reopening of default judgments.

All proceedings in which the insolvent insurer is a party or is obligated to defend a party in any court in this State, shall be stayed for one hundred and twenty (120) days from the date the insolvency is determined, and for such time thereafter as may be determined by the court, to permit a proper defense by the Association of all pending causes of actions. As to any covered claims arising from a judgment under any decision, verdict or finding based on the default of the insolvent insurer or its failure to defend an insured, the Association, either on its own behalf or on behalf of such insured, may apply to have such judgment, order, decision, verdict or finding set aside by the same court or administrator that made such judgment, order, decision, verdict or finding and shall be permitted to defend against such claim on the merits. (18 Del. C. 1953, §4218; 57 Del. Laws, c.437.)."

Section 13. Amend §4221, Chapter 42, Title 18, by deleting that Section in it's entirety.

Section 14. Amend Chapter 42, Title 18, by adding a new §4223 as follows:

"Unless otherwise provided by this Act, this amendment shall apply retroactively and/or retrospectively to all incomplete matters having arisen or arising under the Delaware Insurance Guaranty Act (18 Del. C. §4201, et seq.)."

Approved July 5, 1991.

CHAPTER 113

FORMERLY

HOUSE BILL NO. 5

AN ACT TO AMEND CHAPTER 32, TITLE 5, DELAWARE CODE RELATING TO THE TRANSPORTATION OF MONEY AND VALUABLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subsection (1), §3202, Chapter 32, Title 5, Delaware Code by inserting the phrase "or other entity," after the words "joint stock association or corporation," and before the words "but does not include the United States government".

Section 2. Amend Chapter 32, Title 5, Delaware Code, by adding thereto the following new sections:

"§3220. Supervision and Examination of Business by the Commissioner.

(a) Every person or combination of persons licensed as a transporter under this chapter shall be subject to the supervision and examination of the State Bank Commissioner and shall be examined by the Commissioner or his authorized representative annually or at such intervals as the Commissioner deems necessary.

(b) On the occasion of every examination, the Commissioner or his authorized representative shall be given free access to the licensee's books and records.

(c) The examination made by the Commissioner, or his authorized representatives, shall be a thorough examination into the compliance or non-compliance with this Code and the regulations issued thereunder; and, in addition, such examination shall include a review of the licensee's business practices and such other matters, as in the judgement of the Commissioner, may have relation to the security of property of the licensee's customers. In connection with such examination, the Commissioner may examine, under oath or affirmation, any and all persons connected with the licensee.

(d) Each licensee shall submit to the Commissioner on or before January 1 of each year financial statements for the licensee's most recently available completed fiscal year which have been audited by a certified public accountant, including the report of the certified public accountant thereon.

§3221. Cease and Desist Orders.

(a) The Commissioner shall have the power and authority to issue and serve an order upon a person to cease and desist from any violation or practice if, in the opinion of the Commissioner, a transporter subject to this chapter is engaging in, or has engaged in, or, if the Commissioner has reasonable cause to believe that such institution or company is about to engage in any of the following:

(1) A violation of a law, rule, or regulation relating to the supervision of such transporter;

(2) A violation of any written agreement entered into with the Commissioner; or

(3) A violation of warranties, terms, or conditions of the insurance contract(s) which may, in the judgement of the Commissioner, lead to an inability to recover.

(b) Such order may require the officers or directors of the institution or company to take affirmative action to correct any violation or practice.

(c) A cease and desist order issued pursuant to this section shall include a statement of the facts upon which the order is based, and specific activities which the financial institution must cease, the affirmative acts required of the financial institution, and the effective date of the order. A cease and desist order may be served by any member of the State Bank

Commissioner's Office who is designated by the Commissioner. Service may be effected by hand delivering the order to the transporter at its principal place of business during normal working hours.

(d) Except as provided in subsection (e) of this section, a cease and desist order shall not become effective in less than 10 days after the order is served. After an order is served, but before its effective date, upon petition of any interested party, the Commissioner shall conduct a hearing. At the conclusion of such hearing, the Commissioner may affirm the cease and desist order as originally issued, or, he may modify, amend, or rescind such order.

(e) Whenever, in the opinion of the Commissioner, the violation or practice set forth in subsection (a) of this section represents an immediate danger or substantial harm to the interests of the public, the Commissioner may issue a cease and desist order pursuant to subsection (a) of this section, which shall become effective upon service thereof, without prior notice or hearing. Upon the application of an interested party, the Commissioner shall afford an opportunity for a hearing to consider recission of any order issued pursuant to this subsection, and any action taken promptly thereafter."

Approved July 5, 1991.

CHAPTER 114

FORMERLY

HOUSE BILL NO. 355

AN ACT TO AMEND CHAPTER 345, VOLUME 67 OF THE LAWS OF DELAWARE RELATING TO VEHICLE PERMITS FOR EXCESSIVE SIZE AND WEIGHT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Delete in its entirety Section 7, Chapter 345, Volume 67 of the Laws of Delaware.

Approved July 5, 1991.

CHAPTER 115

FORMERLY

HOUSE BILL NO. 37
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO CONDOMINIUM MANAGEMENT COUNCILS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 25, Chapter 22 of the Delaware by adding a new Section 2241 as follows:

"§2241. Notice and record of meetings.

(a) No meetings of unit owners or meetings of any Council pursuant to this Chapter may be held unless notice of the meeting, with the agenda for the meeting, has been either:

1) posted conspicuously in each building in an area open to all unit owners at least seven days prior to the meeting; or

2) sent to the mailing address provided to Council by the owner and mailed at least fourteen days prior to date of the meeting.

(b) All meetings of unit owners or meetings of any Council shall be open to all other unit owners governed by the same council.

(c) The Council shall maintain written minutes of all meetings of unit owners or the Council. The minutes shall be made available to all unit owner".

Approved July 5, 1991.

CHAPTER 116

FORMERLY

HOUSE BILL NO. 261
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7 AND TITLE 11 OF THE DELAWARE CODE RELATING TO DOGS; AND PROVIDING PENALTIES FOR CERTAIN OFFENSES AGAINST LAW ENFORCEMENT CANINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend §1717(a), Chapter 17, Title 7, Delaware Code, by striking said paragraph (a) in its entirety and substituting in lieu thereof a new paragraph (a) to read as follows:

"(a) Whoever willfully tortures, poisons, beats, kicks, strikes, mutilates, injures, disables, or otherwise mistreats a dog used to assist the blind, the visually impaired, or the handicapped shall be fined not less than $50 for each offense, nor more than $100."

Section 2. Amend Subpart D, Subchapter VI, Chapter 5, Title 11 of the Delaware Code by adding thereto a new section, designated as §1250, which new section shall read as follows:

"§1250. Offenses against law enforcement canines

(a). Harassment of a law enforcement canine.

A person is guilty of harassment of a law enforcement canine when such person intentionally harasses, menaces, challenges or alarms a law enforcement canine, or behaves in such a manner as is likely to provoke a violent, defensive or threatening response from the law enforcement canine, such as lunging or baring of teeth, if such response from the canine causes alarm, distress, fear, or risk of injury to any person or to the canine. Harassment of a law enforcement canine is an unclassified misdemeanor.

(b) Assault in the second degree against a law enforcement canine.

A person is guilty of assault in the second degree against a law enforcement canine when such person intentionally or recklessly engages in conduct which creates a substantial risk of physical injury or death to a law enforcement canine, including but not limited to beating, poisoning or torturing such canine. Assault in the second degree against a law enforcement canine is a Class A misdemeanor.

(c) Assault in the first degree against a law enforcement canine.

A person is guilty of assault in the first degree against a law enforcement canine when such person intentionally or recklessly causes serious physical injury or death to such law enforcement canine. Assault in the first degree against a law enforcement canine is a Class D felony.

(d) For purposes of this section, the words 'law enforcement canine' shall mean any dog utilized by any law enforcement officer (including any corrections officer) in the performance of such officer's duties. The words 'law enforcement canine' are synonymous with 'K-9 dog.'"

Approved July 5, 1991.

CHAPTER 117

FORMERLY

HOUSE BILL NO. 232

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3325, Chapter 33, Title 19 of the Delaware Code by deleting the third paragraph of this section in its entirety and insert in lieu thereof a new paragraph to read as follows:

"In the absence of fraud, in any case under this section in which a claimant is liable to repay to the Department any sum for the Unemployment Compensation Fund, such sum shall be collectible without interest in the name of the Department. Where, however, the Department determines that a claimant who is liable to repay any sum committed fraud in order to obtain benefits, the claimant shall be required to repay the sum due to the Department as well as interest thereon. Benefit overpayments paid to a claimant as the result of fraud shall be repaid with interest at the same rate as provided for past due assessments and reimbursement payments in lieu of assessments in §3357 of this title and Department of Labor Regulation No. 45. Interest collected pursuant to this section shall be paid into the Special Administration Fund."

Approved July 5, 1991.

CHAPTER 118

FORMERLY

HOUSE BILL NO. 200
AS AMENDED BY HOUSE AMENDMENT NOS. 1, 2, 4 AND 5

AN ACT TO AMEND CHAPTER 9, TITLE 3, OF THE DELAWARE CODE TO PROVIDE FOR A COMPREHENSIVE PROGRAM FOR AGRICULTURAL LAND PRESERVATION

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 9, Title 3 of the Delaware Code by repealing in their entirety §§901 through 905 inclusive, and renumbering §906 as §931 under the following Section 2 of this Act, and further amending subsection (a) of such renumbered section by deleting the language which appears after the word "established" in such subsection (a) and inserting in lieu thereof the following:

"under this Chapter."

The remainder of the renumbered section shall remain unchanged.

Section 2. Amend Chapter 9, Title 3 of the Delaware Code by creating a new Chapter 9 to read as follows:

Delaware Agricultural Lands Preservation Act

SUBCHAPTER I. Establishment of Foundation, Advisory Boards and Fund.

§901. Purpose, Policy and Intent.

It is the declared policy of the State to conserve, protect and encourage improvement of agricultural lands within the State for the production of food and other agricultural products. It is also the declared policy of the State to encourage, promote and protect farming as a valued occupation. Preservation of the State's farmlands and forestlands is considered essential to maintaining agriculture as a viable industry and important contributor to Delaware's economy. It is a finding of this legislature that valuable and irreplaceable farmlands and forestlands are being lost due to nonagricultural development pressures and that, to insure the long-term utilization of the State's most viable agricultural lands, it is necessary to adopt and implement an effective program and infrastructure for permanent agricultural land preservation. To the maximum extent possible, State agency action, particularly action involving the exercise of powers of eminent domain, which has an adverse impact on viable agricultural lands, should be avoided or minimized. It is further recognized that a need exists to create sufficient economic incentives and benefits to encourage agricultural landowners to voluntarily place viable agricultural lands under protective restrictions through the creation of and participation in agricultural preservation districts and the sale of development rights. It is the purpose and intent of this legislature to provide for the creation of permanent agricultural areas comprised of viable farmlands and forestlands to serve the long-term needs of the agricultural community and the citizens of the State.

§902. Definitions.

The following terms shall have the meanings ascribed to them in this Chapter:

(1) "Advisory Board" or "Advisory Boards" means the Farmland Preservation Advisory Boards established and appointed by the respective legislative bodies of each County.

(2) "Agricultural lands" means farmlands and forestlands.

(3) "Agricultural use" means all forms of farming, including agriculture, horticulture, aquaculture, silviculture, and activities devoted to the production for sale of food and other products useful to man which are grown, raise or harvested on lands and waters.

(4) "Agricultural value" means the value of the land when subject to the District restrictions set forth in §909 hereof and the requirements imposed under §914(a)(2) hereof.

(5) "County" means New Castle County, Kent County and Sussex County as referenced.

(6) "Foundation" means the Delaware Agricultural Lands Preservation Foundation.

(7) "Fund" means the Delaware Farmland Preservation Fund.

(8) "LESA" means the Land Evaluation and Site Assessment system adopted by the Department of Agriculture to determine the quality of farmland and forestland and the long-term agricultural viability of such lands.

(9) "Owner" or "Owners" means the person or persons holding fee simple title to farmlands and/or forestlands.

(10) "Person" or "Persons" means any individual or individuals, partnership, joint venture, corporation, association, trust, institution, cooperative enterprise, or duly established legal entity capable of holding title to real property in the State.

(11) "Preservation easement" means perpetual agricultural land preservation easements acquired by the Foundation.

(12) "Unimproved land" means the open space, the area of land under structures used for agricultural purposes, and the land under lakes, dams, ponds, streams, and irrigation ditches, but shall not include the land used for dwelling housing.

(13) "Usable" means available and capable of being used for agricultural, horticultural, aquacultural, and forestry production activities.

§903. Delaware Agricultural Lands Preservation Foundation.

(a) There is hereby established and created a statewide agricultural lands preservation foundation, a body politic and corporate constituting a public instrumentality of the State established and created for the performance of an essential public and governmental function, to be known as the Delaware Agricultural Lands Preservation Foundation. The Foundation shall be comprised of nine (9) Trustees, all of whom shall be residents of and qualified to vote in the State. The Governor shall appoint the Trustees and shall designate one (1) Trustee as Chairman, which Trustee shall serve at the pleasure of the Governor and be confirmed with the advice and consent of the Senate. The composition of the Board of Trustees of the Foundation shall be as follows:

(1) The Secretary of the Department of Agriculture or authorized designee to serve an indefinite term.

(2) The Secretary of the Department of Natural Resources and Environmental Control or authorized designee to serve an indefinite term.

(3) The State Treasurer or authorized designee to serve an indefinite term.

(4) A member and representative of Delaware Farm Bureau, to be selected from a list of three (3) nominees submitted by the Delaware Farm Bureau, who shall serve an initial term of two (2) years.

(5) A member and representative of the Delaware State Grange, to be selected from a list of three (3) nominees submitted by the Delaware State Grange, who shall serve an initial term of three (3) years.

(6) An individual actively engaged in farming or some other form of agribusiness who is a resident of New Castle County and who shall serve for an initial term of three (3) years.

(7) An individual actively engaged in farming or some other form of agribusiness who is a resident of Kent County and who shall serve for an initial term of three (3) years.

(8) An individual actively engaged in farming or some other form of agribusiness who is a resident of Sussex County and who shall serve for an initial term of three (3) years.

(9) An individual who is a resident of the State who is designated as Chairman.

(b) Upon the expiration of the terms of the original Trustees having designated terms, the terms of such Trustee positions thereafter shall be (3) years. For the four (4) Trustees appointed to the positions indicated in subparagraphs (6), (7), (8), and (9) under subsection (a) above, Trustees registered in either major political party shall not exceed the other major political party by more than one (1).

(c) In the event of death, permanent disability, resignation, or failure to perform duties of a Trustee, the Governor shall appoint an interim Trustee to serve the unexpired term of the departing Trustee, or in the case of the Chairman, an interim term not to exceed six (6) months, unless the Chairman is confirmed with the advice and consent of the Senate.

(d) For purposes of conducting business of the Foundation, five (5) Trustees shall constitute a quorum. A majority vote of members constituting the quorum shall be required for action on any matter before the Foundation. All votes on matters before the Foundation shall be conducted at meetings open to the public, and such meetings shall be timely noticed. Nothing shall prevent the Trustees of the Foundation from meeting at executive sessions which are closed to the public for purposes of discussing Foundation matters.

(e) The Trustees shall not be entitled to compensation for the services they provide to the Foundation; however, each Trustee shall be entitled to reimbursement for actual and necessary expenses incurred to enable the performance of official duties.

(f) No Trustee shall be entitled to vote on any matter before the Foundation if such Trustee knowingly has a financial interest in the outcome of such matter. In the event a Trustee knowingly has a financial interest,such Trustee shall indicate to the Chairman the nature of the interest and the Chairman shall note for the record that the Trustee did not vote by reason of conflict of interest. In situations in which a Trustee or Trustees do not vote by reason of conflict of interest, the matter pending before the Foundation shall be decided on the basis of a majority vote of the remaining Trustees present who do not have a conflict of interest. A Trustee or Trustees having a conflict of interest as set forth herein shall be counted for purposes of establishing a quorum provided such Trustee or Trustees are present at the meeting. The fact that a Trustee or Trustees have not voted by reason of conflict of interest shall in no way affect the validity of an act or actions taken regarding the matter before the Foundation.

(g) The Foundation shall continue until its existence shall be terminated by law. Upon termination of the existence of the Foundation, all of its rights, properties and liabilities shall pass to and be assumed by the State.

§904. Duties and Authority of Foundation.

(a) The Foundation shall be responsible for the following:

(1) The adoption, after public hearing, of criteria for establishment and maintenance of Agricultural Preservation Districts, which criteria shall supplement and be consistent with the standards set forth in this Chapter,

(2) The adoption, after public hearing, of criteria for the purchase of agricultural lands preservation easements, which criteria shall supplement and be consistent with the standards set forth in this Chapter;

(3) The adoption, after public hearing and consultation with the Department of Agriculture, the Department of Natural Resources and Environmental Control, and the Farmland Preservation Advisory Boards and Planning and Zoning Commissions of each County, of a statewide agricultural lands preservation strategy which specifically identifies the areas of the State in which valuable productive agricultural lands are located and which are considered best suited for long-term preservation;

(4) The administration, operation and supervision of the Delaware Farmland Preservation Fund;

(5) The monitoring and enforcement of the requirements and restrictions imposed by and under the provisions of this Chapter, any duly adopted regulations, and legally binding instruments;

(6) The establishment of a program of cooperation and coordination with the governing bodies of the Counties, municipalities and other units of general government below the State level and with private non-profit or public organizations to assist in the preservation of agricultural lands for agricultural purposes;

(7) The acquisition of available federal funding, including application for eligible loans under the Farms for the Future Act of 1990 (7 U.S.C. §4201 et. seq.) and for undertaking all other necessary actions required for receipt of such funding, and deposit of any such monies received into the Delaware Farmland Preservation Fund;

(8) The performance of an annual audit of the Foundation's accounts, prepared by an independent certified public accountant qualified to perform such an audit, which annual audit shall be part of the Foundation's Annual Report;

(9) The preparation of an Annual Report of the Foundation's proceedings and activities for the annual period ending September 30, which report shall include the annual audit, an inventory of farmlands and forestlands located in agricultural preservation districts, an inventory of preservation easements acquired during the period, the status of the Fund, and such other information deemed appropriate, which Annual Report shall be submitted to the Governor and the General Assembly of the State;

(10) The establishment of a program of education and promotion of agricultural lands preservation; and

(11) The development of an effective program to fully implement the provisions of this Chapter.

(b) The Foundation shall have the authority to do the following:

(1) Adopt an organizational structure to implement this Chapter;

(2) Employ a staff subject to the availability of funding;

(3) Establish an office in the State;

(4) Retain by contract, auditors, accountants, appraisers, legal counsel, surveyors, private consultants, financial advisors, or other contractual services required by the Foundation;

(5) Sue and be sued;

(6) Utilize a seal;

(7) Conduct such hearings, examinations and investigations as may be necessary and appropriate to the conduct of its operations and the fulfillment of its responsibilities,

(8) To procure and keep in force adequate insurance or otherwise provide for the adequate protection of its property, as well as to indemnify and save itself harmless and its officers, agents or employees against loss or liability with respect to any risk to which it or they may be exposed in carrying out any function of the Foundation;

(9) To purchase, sell, manage, lease or rent such real and personal property for use of the Foundation as deemed necessary, convenient or desirable;

(10) To act on and approve applications for the establishment of Agricultural Preservation Districts consistent with the provisions of this Chapter and duly adopted regulations;

(11) To acquire by gift or purchase agricultural land preservation easements;

(12) To seek, obtain and utilize federal and private funding for the purposes of this Chapter;

(13) To make short and long-range plans for the protection and preservation of agricultural lands;

(14) To enter upon lands as may be necessary to perform surveys, appraisals, and investigations to accomplish the purposes of this Chapter;

(15) To accept gifts, grants or loans of funds, property or service from any source, public or private, and comply, subject to this Chapter, with the terms and conditions of any agreements entered and related thereto;

(16) To receive funds from the sale of general bonds, revenue bonds or other obligations of the State or under the name of the Foundation;

(17) To recover reasonable costs for service provided;

(18) To delegate to one (1) or more of its Trustees, its Executive Director, or its agents, such powers and duties as it may deem necessary and proper for the conduct of its authorized business;

(19) To select an Executive Director, who shall be a member and chief executive officer of the staff of the Foundation, subject to the availability of funding for such position, and provided further that the Executive Director shall be a resident of the State, have an undergraduate degree from an accredited institution of higher learning and possess at least five (5) years experience in the administration of agricultural programs, land use planning, or agribusiness activities;

(20) Adopt procedural rules to govern the manner in which internal affairs of the Foundation are conducted; and

(21) Adopt, after notice and public hearing, rules and regulations to fulfill the Foundation's responsibilities and fully effectuate the authority, purposes, intent and activities contemplated under this Chapter.

(c) The members of the staff of the Foundation shall be afforded protections comparable to those provided under the State Merit System and shall be included under and subject to Chapter 55 of Title 29.

§905. Delaware Farmland Preservation Fund.

(a) The Delaware Farmland Preservation Fund is created and shall be maintained, administered, operated and supervised by the Foundation to implement the provisions of this Chapter.

(b) All monies received by the Foundation or designated for deposit into the Fund shall be placed in such accounts established by and for the use of the Foundation. To the extent monies in the Fund are not needed on a current basis, the Foundation shall be entitled to invest such monies on a long-term or short-term basis; provided however, that the policies governing any such investment of monies by the Foundation shall be subject to the approval of the Cash Management Policy Board.

(c) All banks, bankers, trust companies, savings banks and other persons carrying on a banking business under the laws of the State are authorized to do business with the Foundation and to give security for the safekeeping and prompt payment of monies of the Foundation deposited by it with them. The Foundation shall be entitled to establish such accounts as deemed appropriate for the conduct of its business.

§906. Farmland Preservation Advisory Boards.

(a) Each County legislative body shall establish a Farmland Preservation Advisory Board which shall consist of four (4) active farmers or agribusinessmen residing within the County and one (1) member of the County legislative body, who shall serve as the Chairman of the Board. The members of such Board shall be appointed by the County legislative body. The members shall serve without salary, but the County legislative body may entitle each such member to reimbursement of his actual and necessary expenses incurred in the performance of official duties. A quorum of the Board for conducting business shall be three (3) members and a majority vote of the quorum shall be necessary to take action on matters before the Board.

(b) The Chairman of the Board shall serve for an indefinite term and the four (4) other members shall serve for terms of four (4) years each, provided further that Board members registered in either major political party shall not exceed the other major political party by more than one (1). Any member of the Board may be reappointed for a succeeding term without limitations as to the number of terms served.

(c) The Board shall advise the Foundation in relation to any regulations proposed for adoption by the Foundation The Foundation shall provide a draft of proposed regulations to the Board at least sixty (60) days in advance of the time that proposed regulations are released for public notice in order to allow for comment of the Board and possible amendment. The Board may request the Foundation to review any adopted regulation which the Board identifies as having an adverse affect on the furtherance of the purpose and intent of this Chapter. Upon receipt of any such request, the Foundation shall submit in writing to the Board a response indicating the Foundation's position on the matter and the action, if any, which is contemplated in response to the request.

(d) Whenever an application for establishment of an Agricultural Preservation District is received by the Foundation and the Foundation determines that the eligibility criteria have been satisfied, the Foundation shall submit the application to the Board for the County in which the proposed District is located for a recommendation. The Board shall act on an application by recommending in favor or against approval within sixty (60) days of receipt of the application, and the Board may include reasons for its decisions. In the event that the Board fails to make its recommendation within the specified sixty (60) day period, or if the Board is not duly established or constituted, the decision required of the Board under the agricultural preservation district application process as specified hereunder shall be deemed an approval.

SUBCHAPTER II. Agricultural Preservation Districts.

§907. Establishment of Agricultural Preservation Districts.

(a) Any Owner or Owners of contiguous farmland and/or forestland containing at least two hundred (200) usable acres of such lands located in the State, may submit on a voluntary basis, on such forms as the Foundation prescribes, an application for establishment of an Agricultural Preservation District. Upon receipt of a completed application, the Foundation shall review within forty-five (45) days the application to determine if it satisfies the criteria for eligibility established under

§908 hereof and any regulations adopted and related thereto. The Foundation shall, following its review to determine eligibility, notify the applicant of its findings. The Foundation shall be entitled to provide assistance to potential applicants regarding the completion of necessary application forms.

(b) If an application for establishment of an Agricultural Preservation District satisfies the criteria for eligibility, the Foundation shall submit the application to the Board and Planning and Zoning Commission for the County in which the farmlands and/or forestlands are located for purposes of obtaining a recommendation. The application shall be reviewed by the Board in accordance with the procedures set forth under §906(d) hereof. The Planning and Zoning Commission, upon receipt of an application from the Foundation, shall timely notice consideration of the application at its next regularly scheduled meeting, and shall recommend in favor or against approval, and include any reasons for its decision. If the Planning and Zoning Commission fails to render a decision on an application within ninety (90) days of receipt, the application shall be deemed approved.

(c) The Foundation shall consider applications for establishment of Agricultural Preservation Districts at its next noticed regularly scheduled meeting after the review process has been completed at the Board and Planning and Zoning Commission levels. The Foundation shall render a decision in favor or against approval of the application. An Agricultural Preservation District shall be established if the application is approved by any two (2) of the three (3) entities which considered the application, namely: the Foundation, the Board, and the Planning and Zoning Commission.

(d) An owner of farmland and/or forestland consisting of less than two hundred (200) acres in the State may submit on a voluntary basis, on such forms as the Foundation prescribes, an application for expansion of an established Agricultural Preservation District if the application satisfies the criteria for eligibility established under §908 hereunder and any regulations adopted thereunder, as determined by the Foundation, and the farmland and/or forestland is either (1) contiguous to the established Agricultural Preservation District, or (2) located in whole or part within a one (1) mile radius of an established Agricultural Preservation District. The Foundation shall render decisions in favor or against applications for expansions of Agricultural Preservation Districts at noticed regularly scheduled meetings.

(e) Upon the establishment of an Agricultural Preservation District or the expansion of an Agricultural Preservation District the Foundation shall provide appropriate notice and a description of the established or expanded District to the Planning and Zoning Commission and Board of Assessment for the County in which such District is located. Upon receipt of such information from the Foundation, the Planning and Zoning Commission and the Board of Assessment shall provide appropriate reference in their real property records and notations on maps which are utilized and maintained that the subject farmlands and/or forestlands are included in an Agricultural Preservation District.

§908. Criteria for Eligibility and Review.

(a) In order to be considered eligible for inclusion in an Agricultural Preservation District, an application which qualifies under the requirements of §907(a) or (d) shall satisfy the following criteria:

(1) The Owner or Owners seeking inclusion of real property in the District shall hold fee simple title to such property;

(2) The real property proposed for inclusion in the District shall have an agricultural zoning designation and shall not be subject to any major subdivision plan;

(3) The real property shall contain of viable and productive farmlands and/or forestlands which meet the minimum LESA scoring requirements for eligibility established by the Foundation through adopted regulations; and

(4) The Owner or Owners of the real property proposed for inclusion in the District execute a declaration in recordable form committing to the District restrictions set forth in §909 hereof.

(b) In reviewing applications for establishment of an Agricultural Preservation District the Foundation, the Board, and the Planning and Zoning Commission shall consider the following factors:

(1) The viability and productivity of the farmlands and/or forestlands based on the LESA scoring system;

(2) The extent to which the farmlands and/or forestlands are being actively utilized for agricultural purposes;

(3) The extent to which the long-term preservation of the farmlands and/or forestlands would be consistent with land use plans adopted after public hearing at State and County levels;

(4) The potential for expansion of the District if established and compatibility with surrounding land uses;

(5) The ancillary benefit of creating additional open space adjacent to existing established and protected open space;

(6) The potential for acquisition of agricultural preservation easements under rating or ranking systems that may be adopted through regulations of the Foundation; and

(7) The socio-economic benefits derived from an agricultural and historic perspective as a result of inclusion of the farmlands and/or forestlands in an Agricultural Preservation District.

(8) Consistency with the statewide agricultural lands preservation strategy adopted pursuant to §904(a)(3) hereof.

§909. District Restrictions.

(a) The farmlands and forestlands included in an Agricultural Preservation District shall be subject to the following restrictions:

(1) No rezoning or major subdivision of the real property shall be allowed;

(2) Activities conducted on the real property shall be limited to agricultural and related uses, and residential use of the real property shall be limited to dwelling housing for the Owner, relatives of the Owner, and persons providing permanent and seasonal farm labor services, provided however, that any such dwelling housing shall be limited to usage of no more than one (1) acre of land for each twenty (20) acres of usable land owned in the district, with a maximum of ten (10) acres of land being allowed for dwelling housing on an owner's land within a district; and

(3) The restrictions shall be deemed covenants which run with and bind the lands in the district for a period of ten (10) years or any extended period from the date of placement of the lands in the district.

(b) Farmlands and/or forestlands included in an Agricultural Preservation District shall be released from such District at the expiration of ten (10) years from the date such lands are initially placed in the District if the Owner of the farmlands and/or forestlands provides written notification to the Foundation of intent to withdraw such lands from the District at least six (6) months prior to the expiration of the referenced ten (10) years period; otherwise, such lands shall remain in the District for additional five (5) year periods until such time that the Owner provides prior to the expiration date of any such additional period at least six (6) months prior written notice to the Foundation of intent to withdraw the lands from the District.

(c) In the event of a purchase of an agricultural lands preservation easement by the Foundation the restrictions set forth in subsection (a)

above shall become permanent and subject to release only under the provisions of §917 hereof.

§910. Agricultural Use Protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

"AGRICULTURAL PRESERVATION DISTRICT

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of an Agricultural Preservation District no improvement requiring an occupancy approval shall be constructed within fifty (50) feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future County or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an Owner of lands located in an Agricultural Preservation District, such Owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees.

§911. District Benefits.

(a) Owners of real property located in an Agricultural Preservation District shall, with respect to such real property, be entitled to the following benefits:

(1) All unimproved land shall be exempt from:

(i) taxation otherwise imposed under the provisions of 9 Del. C., Chapter 83 and 14 Del. C., Chapter 19, provided however, that the amount of tax relief shall nonetheless be determined for the unimproved lands under established valuation and assessment procedures and taxation related to tax ditches under 7 Del. C., Chapter 41 shall in no way be affected;

(ii) taxation otherwise imposed under the provisions of 30 Del. C., Chapter 54, and any County or Municipal ordinance requiring payment of a realty transfer tax, provided however, that the amount of tax relief shall nonetheless be determined and such tax relief shall be subject to recovery and placed in the Fund if within five (5) years after the unimproved lands are released from a District pursuant to §909(b) hereof, such unimproved lands are rezoned or subject to subdivision; and

(4) The Owner or Owners of the real property proposed for inclusion in the District execute a declaration in recordable form committing to the District restrictions set forth in §909 hereof.

(b) In reviewing applications for establishment of an Agricultural Preservation District the Foundation, the Board, and the Planning and Zoning Commission shall consider the following factors:

(1) The viability and productivity of the farmlands and/or forestlands based on the LESA scoring system;

(2) The extent to which the farmlands and/or forestlands are being actively utilized for agricultural purposes;

(3) The extent to which the long-term preservation of the farmlands and/or forestlands would be consistent with land use plans adopted after public hearing at State and County levels;

(4) The potential for expansion of the District if established and compatibility with surrounding land uses;

(5) The ancillary benefit of creating additional open space adjacent to existing established and protected open space;

(6) The potential for acquisition of agricultural preservation easements under rating or ranking systems that may be adopted through regulations of the Foundation; and

(7) The socio-economic benefits derived from an agricultural and historic perspective as a result of inclusion of the farmlands and/or forestlands in an Agricultural Preservation District.

(8) Consistency with the statewide agricultural lands preservation strategy adopted pursuant to §904(a)(3) hereof.

§909. District Restrictions.

(a) The farmlands and forestlands included in an Agricultural Preservation District shall be subject to the following restrictions:

(1) No rezoning or major subdivision of the real property shall be allowed;

(2) Activities conducted on the real property shall be limited to agricultural and related uses, and residential use of the real property shall be limited to dwelling housing for the Owner, relatives of the Owner, and persons providing permanent and seasonal farm labor services, provided however, that any such dwelling housing shall be limited to usage of no more than one (1) acre of land for each twenty (20) acres of usable land owned in the district, with a maximum of ten (10) acres of land being allowed for dwelling housing on an owner's land within a district; and

(3) The restrictions shall be deemed covenants which run with and bind the lands in the district for a period of ten (10) years or any extended period from the date of placement of the lands in the district.

(b) Farmlands and/or forestlands included in an Agricultural Preservation District shall be released from such District at the expiration of ten (10) years from the date such lands are initially placed in the District if the Owner of the farmlands and/or forestlands provides written notification to the Foundation of intent to withdraw such lands from the District at least six (6) months prior to the expiration of the referenced ten (10) years period; otherwise, such lands shall remain in the District for additional five (5) year periods until such time that the Owner provides prior to the expiration date of any such additional period at least six (6) months prior written notice to the Foundation of intent to withdraw the lands from the District.

(c) In the event of a purchase of an agricultural lands preservation easement by the Foundation the restrictions set forth in subsection (a)

above shall become permanent and subject to release only under the provisions of §917 hereof.

§910. Agricultural Use Protections.

(a) Normal agricultural uses and activities conducted in a lawful manner are preferred and priority uses and activities in Agricultural Preservation Districts. In order to establish and maintain a preference and priority for such normal agricultural uses and activities and avert and negate complaints arising from normal noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations, land use adjacent to Agricultural Preservation Districts shall be subject to the following restrictions:

(1) For any new subdivision development located in whole or in part within three hundred (300) feet of the boundary of an Agricultural Preservation District, the owner of the development shall provide in the deed restrictions and any leases or agreements of sale for any residential lot or dwelling unit the following notice:

"AGRICULTURAL PRESERVATION DISTRICT

This property is located in the vicinity of an established Agricultural Preservation District in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future involve noise, dust, manure and other odors, the use of agricultural chemicals and nighttime farm operations. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities."

(2) For any new subdivision development located in whole or in part within fifty (50) feet of the boundary of an Agricultural Preservation District no improvement requiring an occupancy approval shall be constructed within fifty (50) feet of the boundary of the Agricultural Preservation District.

(b) Normal agricultural uses and activities conducted in accordance with good husbandry and best management practices in Agricultural Preservation Districts shall be deemed protected actions and not subject to any claim or complaint of nuisance, including any such claims under any existing or future County or municipal code or ordinance. In the event a formal complaint alleging nuisance related to normal agricultural uses and activities is filed against an Owner of lands located in an Agricultural Preservation District, such Owner, upon prevailing in any such action, shall be entitled to recover reasonably incurred costs and expenses related to the defense of any such action, including reasonable attorney's fees.

§911. District Benefits.

(a) Owners of real property located in an Agricultural Preservation District shall, with respect to such real property, be entitled to the following benefits:

(1) All unimproved land shall be exempt from:

(i) taxation otherwise imposed under the provisions of 9 Del. C., Chapter 83 and 14 Del. C., Chapter 19, provided however, that the amount of tax relief shall nonetheless be determined for the unimproved lands under established valuation and assessment procedures and taxation related to tax ditches under 7 Del. C., Chapter 41 shall in no way be affected;

(ii) taxation otherwise imposed under the provisions of 30 Del. C., Chapter 54, and any County or Municipal ordinance requiring payment of a realty transfer tax, provided however, that the amount of tax relief shall nonetheless be determined and such tax relief shall be subject to recovery and placed in the Fund if within five (5) years after the unimproved lands are released from a District pursuant to §909(b) hereof, such unimproved lands are rezoned or subject to subdivision; and

(iii) any ad valorem tax imposed by the State, a County, a municipality, and any quasi-governmental body.

(b) The Department of Natural Resources, Department of Finance, and the Board of Assessment and Recorder of Deeds for the respective Counties shall coordinate, assist and cooperate with the Foundation to fully effectuate the applicable provisions of this Chapter.

SUBCHAPTER III. Acquisition of Preservation Easements.

§913. Acquisition of Agricultural Lands Preservation Easements.

The Foundation, subject to the availability of funds and compliance with the requirements of this Subchapter, shall be entitled to acquire, maintain and enforce agricultural lands preservation easements for lands which are located in Agricultural Preservation Districts. The purchase of preservation easements by the Foundation is purely a discretionary function and the Foundation shall be under no obligation to purchase a preservation easement from any applicant. The Foundation may utilize such method or methods of payment for preservation easements as may be available. Upon acquisition of a preservation easement the lands subject to such easement shall form a permanent Agricultural Preservation District. The acquisition of a preservation easement by the Foundation shall not grant the public any right of access or right of use of the real property subject to the easement.

§914. Criteria for Eligibility and Evaluation.

(a) In order for the Foundation to acquire an agricultural lands preservation easement it shall be required that:

(1) The Grantor of the preservation easement has fee simple title to the real property and conveys the easement free and clear of all liens and encumbrances; and

(2) The preservation easement is granted in perpetuity in a form acceptable to the Foundation and includes the restrictions set forth in §909 and such other terms and conditions as specified by the Foundation;

(b) In reviewing applications for the conveyance of agricultural lands preservation easements the Foundation shall consider:

(1) The criteria set forth in §908 (b) hereof; and;

(2) The relative agricultural value of the lands and potential for conversion to nonagricultural use; and

(3) The relative cost of acquiring the easement giving due consideration to the extent to which an applicant is willing to discount the sale price below the Foundation's appraised easement value.

(c) The Foundation may adopt, after public hearing, a system for scoring, ranking and prioritizing consideration of applications submitted for the conveyance of agricultural lands preservation easements.

§915. Procedure for Acquisition Easements.

The Foundation shall adopt, after public hearing, a uniform procedure for acquiring agricultural lands preservation easements. The procedure adopted by the Foundation may incorporate bidding and/or negotiation as part of the procurement process.

§916. Valuation of Easements.

(a) The maximum value of any preservation easement to be purchased shall be the difference between the fair market value of the land under its agricultural zoning designation and the agricultural value of the land. The fair market value of the land is the price as of the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser,

willing but not obligated to buy, would pay for the property if the property was not subject to any restriction imposed under this Chapter. The agricultural value of land is the price as of the valuation date which a vendor, willing but not obligated to buy, would pay for the property as a farm unit, to be used for agricultural purposes. The value of the preservation easement shall be determined as of the date the application for conveyance of the preservation easement is received by the Foundation. The value shall be determined by the Foundation based on appraisal by an appraiser selected by the Foundation, which appraisal shall be provided to the Owner. The Owner shall be entitled to have an appraisal performed by a qualified appraiser and submit such appraisal to the Foundation for consideration. The value of the easement shall be determined by an appraisal on the entire contiguous acreage, less 1 acre per each dwelling structure, provided however, the entire contiguous acreage, including the 1 acre per dwelling structure, is considered subject to the preservation easement restrictions.

(b) If the Owner and Foundation do not agree on the value of the easement, as determined by appraisal, the Owner shall be entitled to withdraw the application for conveyance without prejudice to any submission of an application in the future.

§917. Termination of Easement.

(a) Legislative intent.

It is the intent of the General Assembly that the preservation easements purchased under this subtitle be held by the Foundation for as long as profitable farming is feasible on the land subject to the easement but at a minimum for the period specified hereinafter. A preservation easement may be terminated only in the manner and at the time specified in this Section.

(b) Request for review.

At any time after twenty-five (25) years from the date of acquisition of a preservation easement, the Owner may request that the easement be reviewed for possible termination of the easement.

(c) Inquiry and decision.

Upon a request for review of an easement for termination, an inquiry shall be conducted by the Foundation to determine the feasibility of profitable farming on the subject land. The inquiry shall be concluded and a decision reached by the Foundation within 180 days after the request for termination, and shall include:

(1) On-site inspection of the subject land; and

(2) A public hearing conducted by the Foundation within the County containing the subject land after adequate public notice; and

(3) A review of the subject land under the LESA scoring system; and

(4) Approval of termination by the Board of Trustees of the Foundation.

(d) Repurchase by Owner.

If the request for termination is approved, an appraisal of the subject land shall be ordered by the Foundation at the expense of the Owner requesting termination of the easement. Within a period of one hundred eighty (180) days following the appraisal, the Owner may repurchase the easement by paying to the Foundation the difference between the fair market value and the agricultural value of the subject land, as determined by the appraisal, but in no event shall the repurchase price be less than the amount paid by the Foundation for acquisition of the preservation easement. In addition, the Owner shall also pay to the Fund an amount equal to any tax benefit realized under §918 hereof. For purposes of this paragraph, the term agricultural value shall also mean the price as of the valuation date which a buyer, willing but not obligated to buy, would pay for a farm unit with land comparable in quality and composition to the

property being appraised, but located in the nearest location where profitable farming is feasible. For purposes of this paragraph, the term fair market value shall mean the price as of the valuation date which a buyer, willing but not obligated to buy, would pay for the land at its best and most beneficial use under any obtainable development zoning category.

(e) Subsequent request for termination after denial or failure to repurchase.

If the request for termination is denied, or if the Owner fails to repurchase the easement within 180 days of the appraisal, the Owner may not again request termination of the easement until five years after his last such request.

§918. Benefits of Easement Conveyance.

In addition to the district benefits set forth in §911 hereof, the Owner of real property subject to a preservation easement shall be entitled to exemption from taxation for the transfer of any interest in such real property by gift otherwise subject to gift taxation under the provisions of 30 Del. C., Chapter 14, and by death otherwise subject to inheritance tax under the provisions of 30, Del. C. Chapter 13, and estate tax under the provisions of 30 Del. C., Chapter 15. The Department of Finance shall be entitled to adopt requirements to effectuate the exemption from taxation as provided hereunder.

SUBCHAPTER IV. Miscellaneous Provisions.

§919. Right of Rejection.

(a) Notwithstanding any provision contained herein to the contrary, the Secretary of the Department of Agriculture shall be entitled, within thirty (30) days of the date of decision of the Foundation, to reject the establishment or expansion of any Agricultural Preservation District or the acquisition of a preservation easement, and the decisions of the Foundation on such matters shall be subject to right of rejection exercisable by the Secretary of the Department of Agriculture. If the right of rejection as provided herein is exercised, the Secretary of the Department of Agriculture shall notify the Foundation in writing of such decision and the reasons for it. The Secretary of the Department of Agriculture may waive the right to reject by providing notification to such effect to the Foundation. Failure to act on the part of the Secretary of the Department of Agriculture within the specified thirty (30) day period shall constitute an affirmation of the decision of the Foundation.

(b) In the event of rejection of an application by the Secretary of the Department of Agriculture for establishment or expansion of any Agricultural Preservation District or the acquisition of a preservation easement, such application shall be considered denied and not subject to reconsideration for a period of at least one (1) year.

(c) Notwithstanding any provision contained herein to the contrary, the Secretary of the Department of Agriculture shall be entitled, within thirty (30) days of the date of adoption of criteria for establishment and maintenance of Agricultural Preservation Districts pursuant to §904(a)(1) hereof, to reject in whole or in part such criteria as adopted by the Foundation. If the right of rejection as provided herein is exercised, the Secretary of the Department shall notify the Foundation in writing of such decision and the reasons for it. The Secretary of the Department of Agriculture may waive the right to reject by providing notification to such effect to the Foundation. Failure to act within the specified thirty (30) day period shall constitute an affirmation of the decision of the Foundation. In response to the exercise of the right of rejection the Foundation shall be entitled to adopt alternative criteria, which action shall also be subject to the right of rejection provided herein.

§920. Enforcement of Restrictions.

(a) The Foundation shall be entitled to take action in any Court of competent jurisdiction to enforce any restrictions or requirements imposed under this Chapter, duly adopted regulations, and binding legal instruments. In any such action the Foundation shall, if it prevails, be

entitled to recover its reasonable costs and expenses, including reasonable attorney's fees.

The Foundation shall also be entitled to recover in any such action all tax benefits conferred under §911 hereof, plus one and one-half percent (1.5%) per month of tax benefit amounts computed on a compound basis from the date the tax benefit was first realized to the date of judgment.

(b) Any person who violates a District restriction, requirement imposed in a preservation easement, or the provisions of §910(a), shall, after notification and failure to correct the violation, be subject to a civil penalty of not less than Fifty Dollars ($50) but not more than Two Hundred Dollars ($200) for each completed violation. If the violation continues for a number of days, each day of such violation shall be considered a separate violation. Unless joined to an action under subsection (a) above, a civil penalty claim hereunder shall be filed in any Court of Common Pleas. Any civil penalties recovered shall be paid to the Fund.

§921. Funding.

(a) The Budget Director and the Controller General are authorized to transfer the sum of $48,000 from the Budget Office Contingency Appropriation Salary, (10-02-04), contained in Senate Bill No. 500 of the 135th General Assembly (Fiscal Year 1991 Appropriation Act) for use by the Foundation to carry out the purposes of this chapter. Any Foundation funds not otherwise appropriated or encumbered as of June 30, 1991, shall be considered a continuing appropriation for Fiscal Year 1992.

(b) The Secretary of the Department of Agriculture is hereby authorized and directed, on behalf of the Foundation, to apply on or before August 1, 1991 for federal funding available to the State under the Farms for the Future Act of 1990 (7 U.S.C. §4201 et seq.) by submitting any necessary applications and taking such other action to qualify for eligibility.

(c) All monies collected as roll-back taxes under the provisions of 9 Del. C. §8335(d) for lands converted from agricultural to non-agricultural use shall, when collected, be transferred to the Foundation for use in carrying out the purposes of this Chapter. The Foundation shall be entitiled to adopt and impose procedures and requirements to assure collection of any such roll-back taxes.

(d) There is hereby established a Committee on Funding for Farmland Preservation, which shall consist of two (2) members of the Delaware Senate as appointed by the President Pro Tem of the Senate, two (2) members of the Delaware House of Representatives as appointed by the Speaker of the House of Representatives, and three (3) members appointed by the Governor. The Committee shall review and consider ways and means of providing reliable, short-term and long-term funding for the permanent preservation of viable agricultural lands. The Committee shall also review and consider ways and means of creating economic incentives for the establishment and expansion of Agricultural Preservation Districts and the acquisition of agricultural lands preservation easements, such as the use of tax credits for activities undertaken in Agricultural Preservation Districts which reduce or eliminate the impact of the release of pollutants to the environment. The Committee shall report its findings to the Governor and the General Assembly on or before March 1, 1992.

§922. Condemnation of Preservation District Lands.

Nothing contained in this Chapter shall prohibit the exercise of powers of eminent domain or condemnation with respect to lands located in an Agricultural Preservation District, provided however, that the compensation paid for such lands by the condemning authority shall be based on the highest and best development use of the property with no consideration given to the restrictions and limitations imposed under this Chapter, and provided further that the condemning authority shall also include in its taking such additional lands rendered unusable or unprofitable for intended agricultural uses. Payment of compensation shall be made to the Owner, or in the event the property is subject to a

preservation easement, to the Owner and the Foundation in accordance with their respective interests.

§923. Interim Foundation Staffing.

(a) Until such time that funding is available to support a permanent Foundation staff, the staff support necessary for Foundation activities provided under this Chapter shall be provided by the Agricultural Lands Preservation Section of the Department of Agriculture. Such Section shall, within nine (9) months of the effective date of this legislation, prepare in coordination with the Department of Natural Resources and Environmental Control and the Planning and Zoning Commissions of the respective Counties, for review and consideration of the Foundation, the following:

(1) Proposed additional criteria for establishment and maintenance of Agricultural Preservation Districts;

(2) A proposed selection system for scoring, ranking and prioritizing applications for conveyance of preservation easements;

(3) A draft statewide agricultural lands preservation strategy; and

(4) Proposed procedural rules and regulations for conduct of the internal affairs of the Foundation, including the development of draft application forms and procedures for conducting business.

(b) The Department of Agriculture shall provide to the Foundation the administrative support necessary for the organization of the Foundation, including accommodations for meetings until such time that an office is opened by the Foundation

(c) The Foundation shall, from its sources of funding, reimburse the Department of Agriculture for any out-of-pocket costs expended by the Department of Agriculture on behalf of the Foundation which are related to efforts undertaken by the Department of Agriculture under this Section.

§924. Governmental Cooperation.

All municipalities, political subdivisions and every department, agency or public body of the State is hereby authorized and empowered to cooperate with, aid and assist the Foundation in effectuating this Chapter and any amendment hereof or supplement hereto.

§925. Recording.

The Foundation shall submit executed documents for recording in order to fully implement and enforce the provisions of this Chapter. The Offices of the Recorder of Deeds for the respective Counties shall receive and appropriately index any such documents submitted by the Foundation.

§926. Tax Status.

The duties and functions exercised by the Foundation under this Chapter and any amendments hereof or supplements hereto are and will be in all respects for the benefit of the people of the State and for the protection of their health and welfare. To this end, the Foundation shall be regarded as performing essential governmental functions in exercising such duties and functions and in carrying out this Chapter and of any law relating thereto, and shall not be required to pay any taxes or assessments of any character, levied either by the State or a political subdivision thereof, upon any of the property used by it for such purposes, or any income or revenue therefrom, including any profit from a sale or exchange. The acquisition and transfer of preservation easements hereunder shall be exempt from all realty transfer tax imposed under the provisions of 30 Del. C., Chapter 54 and any County or Municipal ordinance requiring payment of a realty transfer tax.

§927. Judicial Review.

Judicial proceedings to review any rule, regulations or other action of the Foundation or to determine the meaning or effect thereof, may be brought in the Superior Court of this State, provided such review is

requested within thirty (30) days from the date of the promulgation of the rule or regulation or other action of the Foundation.

§928. Public Hearings.

For any public hearing conducted under the provisions of this Chapter, the Foundation shall provide at least twenty (20) days advance notice published in a daily newspaper of general circulation throughout the State. For a public hearing on a regulation or plan proposed for adoption, the notification shall include a brief description of the regulation or plan, the time and place of the hearing and time and place where copies of the proposed regulation or plan may be obtained or reviewed. A record from which a verbatim transcript can be prepared shall be made of all public hearings and shall, along with the exhibits and other documents, introduced constitute the record.

§929. Construction of Chapter.

This Chapter and the regulations promulgated thereunder shall be construed liberally to effectuate the legislative intent and as complete authority for the performance of each and every act and thing herein authorized.

§930. Severability.

If any provision of this Chapter, or any regulation adopted thereunder, or the application of such provision or regulation to any person or circumstance, shall be invalid, the remainder of this Chapter or any regulation shall not be held invalid or thereby affected.

Section 3. This legislation shall be known as the Delaware Agricultural Lands Preservation Act.

Approved July 8, 1991.

CHAPTER 119

FORMERLY

HOUSE BILL NO. 116
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 96, TITLE 9 DELAWARE CODE, RELATING TO RECORDING SURCHARGES

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend §9607(b) of Title 9 Delaware Code by striking the number and symbol "$3" as they appear in §9607(b) and inserting in lieu thereof the following:

$5.

Approved July 8, 1991.

CHAPTER 120

FORMERLY

HOUSE BILL NO. 351

AN ACT TO AMEND CHAPTER 7, TITLE 18 OF THE DELAWARE CODE RELATING TO FEES AND TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 7, §708(c)(1), Title 18 of the Delaware Code by striking the phrase "July 10, 1990" as it currently appears and insert in lieu thereof the phrase "the time a municipality or county elects into the plan".

Approved July 8, 1991.

CHAPTER 121

FORMERLY

HOUSE BILL NO. 226

AN ACT TO AMEND CHAPTER 60, TITLE 7, OF THE DELAWARE CODE RELATING TO THE DUMPING OF SOLID WASTES INTO THE OCEAN, DELAWARE BAY, INLAND BAYS AND OTHER STATE WATERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter IV, Chapter 60, Title 7, of the Delaware Code by deleting said subchapter in its entirety and substituting in lieu thereof the following:

"Subchapter IV. Ocean Dumping.

§6070. Title

This Act shall be know as the 'Solid Waste Dumping Elimination Act'.

§6071. Purpose.

The General Assembly finds that historically millions of tons of solid wastes have been disposed of in the ocean and waters of the State, that these wastes are not land disposed in recognition of the threat posed by the presence of contaminants, by the lack of knowledge or appreciation of the harm such wastes can cause to the marine environment, or that it is cheaper to dispose of such wastes in the ocean or other waters of the State. Therefore, it is the intent of the General Assembly to prohibit the disposal of solid wastes in the ocean and other waters of the State.

§6072. Definitions

The following words and phrases shall have the meanings ascribed to them in this subchapter unless the context clearly indicates otherwise:

(1) 'Inland Bays' shall mean the Rehoboth Bay, Indian River Bay, Indian River and Little Assawoman Bay.

(2) 'Waters of Exceptional Recreational or Ecological Significance' shall mean waters designated by the state which are important, unique, or sensitive from a recreational and/or ecological perspective, but which may or may not have excellent water quality. Such waters shall normally have regional significance with respect to recreational use (fishing, swimming and boating), or have significant or widespread riverine, riparian, or wetland natural areas.

§6073. Prevention.

The provisions of any other law, rule or regulation to the contrary notwithstanding, all disposal of solid wastes into the ocean waters of the State, the Delaware Bay, the Inland Bays and Waters of Exceptional Recreational or Ecological Significance is hereby prohibited.

§6074. Penalties.

(a) Whoever negligently violates §6073 of this title shall be fined not less than $2,500 nor more than $25,000 per day of violation, or be imprisoned for not more than 1 year, or both. If a conviction of a person is for a violation committed after a prior conviction of such person under this section, punishment shall be by a fine of not less than $5,000 nor more than $50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

(b) Whoever knowingly violates §6073 of this title shall be fined not less than $5,000 nor more than $50,000 per day of violation, or be imprisoned for no more than 3 years, or both. If a conviction of a person is for a violation committed after a prior conviction of such person under this section, punishment shall be by a fine of not less than $10,000 nor

more than $100,000 per day of violation, or by imprisonment of not more than 6 years, or both.

(c) The Superior Court shall have jurisdiction over violations of §6073 of this title.

(d) There shall be no suspension of any fines required under the provisions of this section.

Approved July 8, 1991.

CHAPTER 122

FORMERLY

HOUSE BILL NO. 346

AN ACT TO AMEND CHAPTER 11, TITLE 12, OF THE DELAWARE CODE RELATING TO ESCHEATS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1142, Chapter 11, Title 12 of the Delaware Code by deleting existing subsection (a) thereof and substituting therefor a new subsection (a) to read as follows:

"(a) In the month of October of each year the State Escheator shall publish in a daily newspaper of this State a statement of abandoned or unclaimed property or funds paid to him during the 12 months ending July 1 next preceding such publication which shall not have been paid to claimants and which shall not have been previously advertised under the provisions of Sections 1161, 1172, or 1183 of this title."

Section 2. Amend Section 1200, Chapter 11 of Title 12 of the Delaware Code by striking said section in its entirety.

Section 3. Amend Section 1201, Chapter 11 of Title 12 of the Delaware Code by striking the following phrase as it appears therein in its entirety:
"if the owner establishes his right to receive the abandoned property to the satisfaction of the holder within the 90-day period specified in §1200 of this title, or if it appears for some other reason" and substitute in lieu thereof the phrase "if it appears".

Section 4. Amend Section 1152, Chapter 11, Title 12 of the Delaware Code by striking existing section 1152 in its entirety and substituting therefor a new section 1152 to read as follows:

"§1152. Penalties and Interest.

(a) Any banking organization failing to pay over any amounts or property as required by this subchapter or which underpays any amounts or property shall, if such failure or underpayment is due to negligence or intentional disregard of rules and regulations, pay a penalty in the amount of .5% per month of any underpayment up to a maximum of 10% of such amount.

(b) Any banking organization which fails to file any report of amounts or property required by this subchapter or who underreports any amount or property shall pay as a penalty an amount equal to .5% per month of the amount underreported up to a maximum of 5% of such amount.

(c) The State Escheator for good cause shown before the due date of any report may extend the time for filing any report or making any payment under this subchapter, and he may waive all or any portion of the penalty imposed under subsection (b) of this section or interest imposed under subsection (d) of this section if the failure is due to reasonable cause and not willful neglect.

(d) Interest at .5% per month on outstanding unpaid amounts, including penalty, shall accrue from the date the amounts or property were due under this subchapter until paid. Interest due in accordance with this subsection shall in no event exceed 50% of the amount required to paid; provided, however, that penalties under subsections (a) or (b) of this section shall not be deemed to be interest for purposes of this subsection."

Section 5. Amend Section 1192, Chapter 11, Title 12 of the Delaware Code by striking existing Section 1192 in its entirety and substituting therefor a new section 1192 to read as follows:

"§ 1192. Penalties and Interest.

(a) Any person failing to pay over any amounts or property as required by this subchapter or which underpays any amounts or property shall, if such failure or underpayment is due to negligence or intentional disregard

of rules and regulations, pay as a penalty an amount equal to .5% per month of such underpayment up to a maximum of 10% of such amount.

(b) Any person which fails to file any report of amounts or property required by this subchapter or who underreports any amount or property shall pay as a penalty an amount equal to .5% per month of the amount underreported up to a maximum of 5% of such amount.

(c) The State Escheator for good cause shown before the due date of any report may extend the time for filing any report or making any payment under this subchapter and he may waive all or any portion of the penalty imposed under subsection (b) of this section or interest imposed under subsection (d) of this section if the failure is due to reasonable cause and not willful neglect.

(d) Interest at .5% per month on outstanding unpaid amounts, including penalty shall accrue from the date the amounts or property were due under this subchapter until paid. Interest due in accordance with this subsection shall in no event exceed 50% of the amount required to be paid; provided, however, that penalties under subsections (a) or (b) of this section shall not be deemed to be interest for purposes of this subsection."

Section 6. Amend Chapter 11, Title 12 of the Delaware Code by deleting existing §1207 thereof and substituting therefor a new §1207 to read as follows:

"§1207. Penalties and Interest.

(a) Any person failing to pay over any amounts or property as required by this subchapter or who underpays any amounts or property shall, if such failure or underpayment is due to negligence or intentional disregard of rules and regulations, pay as a penalty an amount equal to .5% per month of such underpayment up to a maximum of 10% of such amount.

(b) Any person which fails to file any report of amounts or property required by this subchapter or who underreports any amount or property shall pay as a penalty an amount equal to .5% per month of the amount underreported up to a maximum of 5% of such amount.

(c) The State Escheator for good cause shown before the due date of any report may extend the time for filing any report or making any payment under this subchapter and he may waive all or any portion of the penalty imposed under subsection (b) of this section or interest imposed under subsection (d) of this section if the failure is due to reasonable cause and not willful neglect.

(d) Interest at .5% per month on outstanding unpaid amounts, including penalty shall accrue from the date the amounts or property were due under this subchapter until paid. Interest due in accordance with this subsection shall in no event exceed 50% of the amount required to be paid; provided, however, that penalties under subsections (a) or (b) of this section shall not be deemed to be interest for purposes of this subsection."

Section 7. Amend Chapter 11, Title 12 of the Delaware Code by adding thereto a new Section 1156 to read as follows:

"§1156. Court of Chancery - Jurisdiction.

(a) If any person refuses to pay or deliver property, including penalty or interest thereon, to the State Escheator as required by this Chapter, the Escheator may bring an action in the Court of Chancery in the County wherein the holder resides or has his principal place of business (or if none such exists, in New Castle County) to enforce such payment or delivery.

(b) Whenever a holder disputes whether reasonable cause exists for abating penalty or interest determined by the Escheator to be due under this Chapter, such holder may bring an action in the Court of Chancery for the purpose of showing an abuse of discretion by the Escheator in making the determination that penalty or interest was due."

Section 8. Amend § 1160(a)(1), Chapter 11, Title 12 of the Delaware Code by striking the phrase "20 years" and substituting in lieu thereof the phrase: "5 years".

Section 9. Amend § 1160(a)(2), Chapter 11, Title 12 of the Delaware Code by striking the phrase "15 years" and substituting in lieu thereof the phrase "5 years".

Section 10. Amend § 1198(8), Chapter 11, Title 12 of the Delaware Code by striking the following sentence of said subsection(8) in its entirety:

"The term does not apply to a period of time during which the owner has failed or neglected to make a demand or file a claim within the time prescribed in an order or decree of court or in a legal notice served and published pursuant to law or an order of court and the period of dormancy shall not commence to run with respect to claims, demands or other property held by a holder pursuant to a written agreement which contemplates that there shall be a contemplated period of inactivity, until the expiration of the contemplated period of inactivity."

and substituting in lieu thereof the following sentences:

"For good cause shown, and upon notice to the State Escheator, the Court of Chancery may, with respect to property over which the court has otherwise assumed jurisdiction, extend the period of dormancy to a specific date by which an owner may exercise a right, make a demand, or file a claim, provided each extension is set forth in a separate order of the court referring specifically to this section and each extension is no longer than three years, provided further there shall be no more than two extensions under this subsection. Except as provided in Section 1210 of this Title, the period of dormancy shall not commence to run with respect to which claims, demands or other property held by a holder pursuant to a written agreement which contemplates that there shall be a specific period of inactivity, until the expiration of the contemplated period of inactivity."

Section 11. Amend Chapter 11, Title 12 of the Delaware Code by striking §1210 thereof in its entirety.

Section 12. Amend Chapter 11, Title 12 of the Delaware Code by striking §1211 thereof in its entirety.

Section 13. Amend Chapter 11, Title 12 of the Delaware Code by inserting a new §1210 to read as follows:

"§1210. No Private Escheats.

Any provision in a certificate of incorporation, by law, trust agreement, contract or any other writing regulating the relationships between an owner and a holder, relating to property which is or may be subject to the provisions of this chapter, which provides that upon the owner's failure to act or make a claim regarding property in possession of the holder, that such property reverts to or becomes the property of the holder, in contravention of this chapter, shall be void and unenforceable."

Section 14. Amend Chapter 11, Title 12 of the Delaware Code by adding thereto a new §1156 to read as follows:

"§1156. Presumption of abandonment of personal property held by federal government.

(a) All tangible personal property or intangible personal property, including choses in action in amounts certain, and all debts owed or entrusted funds or other property held by the federal government, or any federal agency, or any officer, or appointee thereof, shall be presumed abandoned in this state if the last known address of the owner of the property is in this state and the property has remained unclaimed for five years.

(b) This section shall apply to all abandoned property held by the federal government, or any federal agency, or any officer, or any appointee thereof, at the time of enactment, or at any time thereafter, regardless of when such property became presumptively abandoned."

Section 15. Sections 1 and 2 of this Act shall be effective for publications required to be made by the Escheator on or after July 1, 1991. Sections 4, 5, 6, and 7 of this Act shall beeffective for property which was required to have been paid or delivered to the State Escheator but which has not been so paid or delivered as of the effective date of this Act or thereafter;provided, however, that no penalty or interest shall be incurred for payments or deliveries required to have been made prior to the effective date of this Act but which are made prior to a date 90 days after the effective date of this Act. Sections 8 and 9 of this Act shall be effective for property that has remained unclaimed for five years as of the date of its enactment into lawor thereafter. Section 10 of this Act shall be effective for property that has remained unclaimed for five years as of the date of its enactment into law or thereafter; provided, however, that such property shall not be subject to escheat until a date six months from enactment, during which time the Court may order extensions of time as provided in this Act. All other provisions shall become effective upon their enactment into law.

Section 16. If any section, part, phrase or provision of this Act or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Act and the application of such provision of this Act to other persons or to other circumstances shall not be affected thereby.

Approved July 8, 1991.

CHAPTER 123

FORMERLY

HOUSE BILL NO. 330

AN ACT TO AMEND CHAPTER 21, TITLE 21 OF THE DELAWARE CODE RELATING TO THE REGISTRATION OF VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §2109, Chapter 21, Title 21 of the Delaware Code, by striking Subsection (a) in its entirety and inserting a new Subsection (a) to read as follows:

"(a) Any vehicle described in §2151 of this title may be registered for 24 months, 12 months or 6 months and the effective date of the registration shall be the 1st day of the calendar month in which the vehicle is registered and the required fees paid, provided the vehicle was registered prior to the 16th day of the month. If the vehicle was registered after the 15th day of the month, the effective date of the registration shall be the 16th day of the month. The Division of Motor Vehicles may require vehicles to be registered for less than 24 months, as may be necessary to ensure a balanced monthly distribution of vehicle inspections and registrations; all fees shall be prorated. The registration of a vehicle shall expire at midnight on the last day of the period for which it is registered, and the vehicle shall not thereafter be operated upon the highways of this State until it has been reregistered according to law. This Section shall not apply to the operation of vehicles under temporary or limited permits or certificates as otherwise provided by this title."

Section 2. Amend §2110, Chapter 21, Title 21 of the Delaware Code, by striking Subsection (a) in its entirety and inserting a new Subsection (a) to read as follows:

"(a) Prior to the expiration of the period for which a vehicle is registered pursuant to §2109 of this Title, the registration may be renewed to extend from the date of expiration for an additional period of 6 months or 1 year or 2 years, and then the effective date of the renewed registration shall be the first day of the calendar month following the period for which the vehicle is currently registered provided the vehicle was registered prior to the 16th day of the month. If the vehicle was registered after the 15th day of the month, the effective date of the registration shall be the 16th day of the month. Any time prior to the expiration of the period for which a vehicle is registered with a commercial, trailer or farm truck license place, the registration thereof may be renewed to extend from the date of expiration for an additional period of 3 months, 6 months, 1 year or 2 years.

Approved July 9, 1991.

CHAPTER 124

FORMERLY

SENATE BILL NO. 144
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 26, DELAWARE CODE, AND CHAPTER 60, TITLE 7, DELAWARE CODE, RELATING TO WATER UTILITIES.

WHEREAS, the present law governing the manner in which a water utility obtains a "certificate of convenience and necessity" as a prerequisite to beginning business or expanding its operations into a new territory is contained in Senate Substitute No. 1 for Senate Bill No. 730 as amended by Senate Amendment No. 2, passed by the Senate and House of the 128th General Assembly in 1976; and

WHEREAS, enactment of that statute is reflected neither in the Delaware Code nor in the Laws of Delaware, because of confusion over its status as one of four Acts which were "pocket vetoed" by then Governor Sherman W. Tribbitt as of July 30, 1976; and

WHEREAS, as the result of a subsequent Opinion of the Justices of the Supreme Court of Delaware sought in 1979 by former Governor Pierre S. duPont, IV, (Del.Supr.,405 A.2d 694) the form of pocket veto used by Governor Tribbitt in the case of S.S. 1 for S.B. 730 as amended was determined to be invalid; and

WHEREAS, as a result of the Justices' Opinion, most legal authorities now hold the four Acts to be valid, although S.S. 1 for S.B. 730 as amended has never been either codified or printed in the Laws of Delaware; and

WHEREAS, on July 14, 1986, the Department of Natural Resources and Environmental Control (DNREC) issued Order No. 86-WS-05 establishing departmental policy for implementing the provisions of S.S. 1 for S.B. 730 as amended as passed by the 128th General Assembly; and

WHEREAS, the General Assembly believes it to be a source of great confusion to base departmental policy governing the operation of a program of potentially major importance to the public on a statute which is neither codified nor printed in the Laws of Delaware; and

WHEREAS, it has recently come to the attention of the General Assembly that a water utility could, under the present statutory provisions, apply for and be granted the power to provide water service to great expanses of undeveloped or sparsely developed land in largely rural areas of the state; and

WHEREAS, under existing regulations such approval of a water utility application to provide service to a large rural area would at the very least create an unnecessary bureaucratic hardship for citizens such as farmers and other landowners who, before they could secure approval of a water well permit from DNREC, would have to provide written assurance from the water utility that it did not wish to provide service to them; and at worst could deprive such citizens of the free use of the groundwater which is beneath their own land - not because of any environmental hazard but because of profit motive on the part of the private company; and

WHEREAS, in view of the foregoing, it appears that legislation is urgently needed not only to properly codify the authority of DNREC to issue certificates of convenience and necessity to water utilities; but also to limit the scope of the powers that issuance of such certificates conveys to water utilities.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend §102, Title 26 of the Delaware Code by adding a new Subsection (9) thereto, to read as follows:

"(9) 'Water utility' shall mean any person or entity operating within this state any water service, system, plant or equipment for public use."

Section 2. Amend §202, Title 26 of the Delaware Code by adding a new Subsection (d) to read as follows:

"(d) The Commission shall have no jurisdiction over the issuance of certificates of public convenience and necessity for any water utility which is subject to the provisions of Chapter 60, Title 7."

Section 3. Amend Section 6002, Title 7 of the Delaware Code by renumbering Subsections (27) through (53) as Subsections (28) through (54) and by adding a new Subsection (27) to read as follows:

"(27) 'Water utility' shall mean any person or entity operating within this state any water service, system, plant or equipment for public use."

Section 4. Amend §6004(a) Title 7 of the Delaware Code by deleting it in its entirety and substituting in lieu thereof the following:

"(a) Any person desiring to obtain a permit required by §6003 of this title or a variance or an application to establish a redemption center or a certificate of public convenience and necessity required by Subchapter V of this chapter shall submit an application therefor in such form and accompanied by such plans, specifications and other information as required by applicable statute or regulation."

Section 5. Amend §6010(f)(2), Title 7 of the Delaware Code by inserting the words 'pursuant to the provisions of Subchapter V of this chapter' following the words 'within the State'.

Section 6. Amend Chapter 60, Title 7 of the Delaware Code by adding thereto a new "Subchapter V" to read as follows:

"SUBCHAPTER V. WATER UTILITIES

§6074. Purpose.

The General Assembly finds that development patterns in many rural and suburban areas of this state have created a need for a central water system in many incorporated and unincorporated communities to insure safe drinking water; and further, that this end may best be served in certain instances by permitting public or investor-owned utilities to provide service to those areas. It is the intent of this subchapter to establish procedures to best effect the establishment and extension of the facilities of water utilities while at the same time preserving to as great an extent as possible the traditional patterns of water utilization for agriculture, for rural, single-family residential units not part of a development or unincorporated community, for industry and for other traditional users of groundwater in unincorporated areas.

§6075. Certificate of public convenience and necessity; when required.

No water utility shall begin the business of a water utility nor shall any water utility begin any extension of its business or operations without having first obtained from the Secretary a certificate that the present or future public convenience and necessity requires or will require the operation of such business or extension. This section shall not be construed to require any water utility to secure such a certificate for any extension within the perimeter of any territory already served by it.

§6076. Issuance of certificate: limitations.

(a) The Secretary shall grant a certificate of public convenience and necessity only where it has been ascertained that the water in the proposed service area does not meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption, or where the supply is insufficient to meet the projected demand, or:

(1) The applicant is in possession of one of the following:

(i) a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government;

(ii) a petition requesting such service signed by a majority of the landowners of the proposed territory to be served;

(iii) a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served; or

(2) The Secretary determines, by findings and conclusions based upon a public hearing record, that sound and efficient water resource planning, allocation, management and regulation would be implemented by the certification of a water utility service territory comprising an area larger than a service territory authorized by Paragraph (a)(1) of this Section.

(b) Following issuance of a certificate of public convenience and necessity to a water utility, the department shall not withhold a water well permit, or require an applicant for a water well in an area served by a water utility to utilize the services of the utility, unless:

(1) the Delaware Geological Survey or the Division of Public Health certifies that the groundwater supply is inadequate or unsuitable for the intended use for which the permit is being sought; or

(2) the utility demonstrates to the satisfaction of the Department that it can provide service of equal or better quality at lower cost; or

(3) the applicant is a resident of a municipality, county water district, or recorded development where public water is available.

§6077. Powers of the Public Service Commission with respect to water utilities.

Nothing contained in this sub-chapter shall be construed to conflict with the power of the Public Service Commission of the State of Delaware to consider the efficiency, sufficiency, consistency, and adequacy of the facilities provided and the services rendered by any water utility as a factor in rate determination.

The Secretary may, after hearing, upon notice, by order in writing, require every water utility to establish, construct, maintain, and operate any reasonable extension of its facilities where such extension is consistent with the Delaware Comprehensive Water and Wastewater Facilities Plan. The Secretary shall send a report to the Public Service Commission, if a water utility under the jurisdiction of the Public Service Commission is involved, specifying the needs, and providing an estimate of capital, operation, and maintenance costs.

§6078. Public Hearings; rules for conduct.

Any hearing held under the provisions of this sub-chapter shall be conducted pursuant to the terms of Sections 6006 and 6008 of this chapter.

§6079. Application Fee.

Fees may be collected or charged for applications for certificates to be issued under this subchapter in an amount determined by the Secretary, which fee shall not exceed $10 per proposed connection, not to exceed $500, plus the costs of advertising the application, advertising any hearing(s), and preparing a transcript of the hearing(s).

§6080. Effective date.

The provisions of Sub-chapter V shall be effective upon the signature of the Governor and shall apply to any applications presently or hereafter pending before the Secretary, except that no fees or costs may be charged

or collected pursuant to the provisions of §6079 of Title 7 for hearings upon applications which have already taken place.

§6081. Severability.

If any provision of this chapter or the application of any section or part thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application."

Approved July 9, 1991.

CHAPTER 125

FORMERLY

SENATE BILL NO. 26
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 437, VOLUME 67, LAWS OF DELAWARE RELATING TO IGNITION INTERLOCK DEVICES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2, Chapter 437, Volume 67, Laws of Delaware, by striking the words "or in lieu of" as the same appear in the first sentence of proposed §4177(e).

Section 2. Amend Section 4, Chapter 437, Volume 67, Laws of Delaware, by striking the words "time within 5 years of a prior conviction, of any offense" as the same appear in the first sentence of proposed §4177F(a), and substituting the words "time of an offense occurring within 5 years of a prior conviction," in lieu thereof.

Section 3. Amend Section 4, Chapter 437, Volume 67, Laws of Delaware, by striking the words "where no other penalty or restriction is imposed" as the same appear in second sentence of proposed §4177F(a), and substituting the words "in lieu of any fine authorized under §4177 of this Title" in lieu thereof

Section 4. Amend Section 4, Chapter 437, Volume 67, Laws of Delaware, by striking the words "Court shall revoke" as the same appear in the second sentence of proposed §4177F(d), and substituting the words "Court may revoke" in lieu thereof.

Section 5. Amend Section 4, Chapter 437, Volume 67, Laws of Delaware, by striking the word "purchase" as it appears in the last sentence of proposed §4177F(a) of Title 21 and substituting the word " lease" in lieu thereof.

Section 6. Amend Section 5, Chapter 437, Volume 67, Laws of Delaware, by striking proposed §1249(b) of Title 11 and inserting in lieu thereof the following:

"(b) It shall be unlawful for any person to request or solicit any other person to blow into an ignition interlock device, or to start a motor vehicle equipped with such device, for the purpose of providing an operable motor vehicle to a person whose driving privilege is restricted."

Approved July 9, 1991.

CHAPTER 126

FORMERLY

SENATE BILL NO. 45
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTERS 2, 13, 17 AND 31, TITLE 14, DELAWARE CODE, TO CHANGE THE TERMS USED FOR CERTAIN GROUPS OF HANDICAPPED STUDENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §203, Chapter 2, Title 14, Delaware Code, by striking the words "orthopedically handicapped, socially or emotionally maladjusted" in the second sentence and inserting in lieu thereof the words "physically impaired, seriously emotionally disturbed."

Section 2. Amend §1321(e)(11), Chapter 13, Title 14, Delaware Code, by striking the word "retarded" in the first and in the second sentences and inserting in lieu thereof the word "handicapped."

Section 3. Amend §1321(e)(12), Chapter 13, Title 14, Delaware Code, by striking the word "retarded" in the first sentence and inserting in lieu thereof the word "handicapped."

Section 4. Amend §1321(e)(13), Chapter 13, Title 14, Delaware Code by striking the word "retarded" in the first sentence and inserting in lieu thereof the word "handicapped."

Section 5. Amend §1321(e)(16), Chapter 13, Title 14, Delaware Code by striking the words "orthopedically handicapped" in the first full sentence of the first paragraph, in the first sentence of the second paragraph, and in the first sentence of the fourth paragraph, and substituting in lieu thereof the words "physically impaired."

Section 6. Amend §1321(f), Chapter 13, Title 14, Delaware Code, by striking the word "retarded" in the last sentence and inserting in lieu thereof the word "handicapped."

Section 7. Amend §1324(a), Chapter 13, Title 14, Delaware Code, by striking the words "orthopedically handicapped" in the first sentence and inserting in lieu thereof the words "physically impaired."

Section 8. Amend §1703(d), Chapter 17, Title 14, Delaware Code, by striking the words "socially or emotionally maladjusted" in the first sentence and substituting in lieu thereof the words "seriously emotionally disturbed;" and, by striking the words "orthopedically handicapped" in the first sentence and substituting in lieu thereof the words "physically impaired."

Section 9. Amend §1716 A(a), Chapter 13, Title 14, Delaware Code, by striking the words "orthopedically handicapped" in the first sentence and inserting in lieu thereof the words "physically impaired."

Section 10. Amend §3101(4), Subchapter I, Chapter 31, Title 14, Delaware Code, by striking the words "orthopedically handicapped" in the first sentence and inserting in lieu thereof the words "physically impaired."

Section 11. Amend §3101(8), Subchapter I, Chapter 31, Title 14, Delaware Code, by striking the words "socially or emotionally maladjusted"; from the first sentence and inserting in lieu thereof the words "seriously emotionally disturbed."

Approved July 9, 1991.

CHAPTER 127

FORMERLY

SENATE BILL NO. 69

AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD" RELATING TO THE DUTIES OF CITY MANAGER.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 42, Volume 53, Laws of Delaware, as amended by striking the first sentence of the third paragraph of Section 15(B) in its entirety and by substituting the following in lieu thereof:

"The City Manager shall render to the City Council as part of the budget process a true, accurate and detailed account of all monies collected or received by the City during the prior fiscal year."

Approved July 9, 1991.

CHAPTER 128

FORMERLY

SENATE BILL NO. 72
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND THE CONVEYANCE OF THE FISHER-MARTIN HOUSE TO THE CITY OF LEWES; TO PERMIT THE CITY OF LEWES TO OPERATE THE HOUSE AS A CONFERENCE AND VISITORS CENTER, TO PERMIT THE CITY OF LEWES TO RESTORE THE SAME UNDER THE OVERSIGHT OF THE DIVISION OF HISTORICAL AND CULTURAL AFFAIRS.

WHEREAS, the State of Delaware purchased the premises known as the Fisher-Martin House in Sussex County and received a conveyance to the same dated August 25, 1961 said deed being of record in the office of the Recorder of Deeds for Sussex County and State of Delaware in Deed Record Book 539, page 366, said purchase being or the purpose of preserving the architectural character and public use of the property; and

WHEREAS, the City of Lewes desire ownership and control of the house in order to complete the restoration and provide for public use, and

WHEREAS, the City of Lewes desire the transfer of financial resources dedicated to the Fisher-Martin House on account with the Division of Historical and Cultural Affairs to the City of Lewes.

NOW THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. The State of Delaware shall deed and convey the Fisher-Martin House within the City of Lewes, Sussex County and State of Delaware unto the City of Lewes, its successors or assigns so that the City of Lewes shall become the absolute owner of said house. The City of Lewes shall not pay any consideration to the State of Delaware for such conveyance other than hereinafter provided. The deed shall contain the restrictions, covenants and conditions stated herein.

Section 2. As consideration for the conveyance of the Fisher-Martin House by the State of Delaware to the City of Lewes, the State of Delaware through the Division of Historical and Cultural Affairs imposes the following restrictions and reserves the following rights and easements concerning the Fisher-Martin House which rights, easements and reservations shall be binding on the City of Lewes, its successors or assigns and all purchasers, owners, or occupants of the Fisher-Martin House which said easements, rights and restrictions shall be as follows:

A. The Division of Historical and Cultural Affairs reserves the right to approve or disapprove any alteration, addition or construction on the house by said City of Lewes in order to preserve the architectural and historical character of the Fisher-Martin House.

B. Any removal and relocation of the Fisher-Martin House from its present site must be accomplished by an approved firm which will furnish a performance bond subject to the approval of the Division of Historical and Cultural Affairs which Division must review and approve the specifications for removal and relocation prior to the work being accomplished.

C. The Fisher-Martin House shall not be moved or relocated to any site without the approval of the location and site by the Division of Historical and Cultural Affairs. In the event that the City of Lewes sells the Fisher-Martin House, it shall return to the State of Delaware all sums obtained from said sale less any costs incurred by the City of Lewes in maintaining, removing, or relocating said house.

D. The City of Lewes, its successors or assigns and any future owners or occupants of the Fisher-Martin House shall use reasonable care and caution to preserve and protect the same and to prevent vandalism but as long as said care is exercised, they shall not be liable to the State of Delaware for any damage or destruction of said house.

E. Any renovation or restoration of the Fisher-Martin House shall be done to restore and maintain the exterior architectural design and features and the interior panelling, moldings and other specific architectural features.

Section 3. The dividend balance of the Fisher Trust Fund is hereby granted to the City of Lewes and the Division of Historical and Cultural Affairs is authorized to transfer existing shares of duPont Company stock supporting the Fisher Trust Fund to the City of Lewes for the purpose of restoring, maintaining, interpreting and operating the house in accordance with the terms of this conveyance.

Approved July 9, 1991.

CHAPTER 129

FORMERLY

SENATE BILL NO. 71
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 11 OF THE DELAWARE CODE RELATING TO CERTAIN CRIMES AGAINST THE ELDERLY.

WHEREAS, the General Assembly recognizes that fear of crime is one of the major personal concerns of elderly persons and that elderly persons are more vulnerable to and disproportionately damaged by crime because they are less able to escape offenders and are more likely to receive serious injury; and

WHEREAS, the elderly are particularly impacted by crimes of assault and robbery, because they tend to suffer the greatest relative deprivation -- financially, physically and psychologically -- as a result of the crimes against them; and

WHEREAS, elderly persons are seldom as physically or emotionally equipped to protect themselves or aid in their own security as are their younger counterparts in society. At the same time, they are far more susceptible than other age groups to the adverse long-term effects of assault and robbery; and

WHEREAS, the loss of money or material goods through strong arm robbery (by physical force) represents a substantial financial impact upon most elderly victims; and

WHEREAS, the General Assembly finds that the penalty for the crimes of assault and robbery against an elderly person should be more severe than the penalties for other members of society.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §612, Title 11, Delaware Code by deleting the period at the end of (5) thereof and inserting in lieu thereof "; or" and by adding thereto a new (6) as follows:

"(6) He/she intentionally causes physical injury to another person who is 65 years of age or older."

Section 2. Amend §613, Title 11, Delaware Code by deleting the period at the end of (6) and inserting in lieu thereof "; or" and by adding thereto a new (7) as follows:

"(7) He/she intentionally causes serious physical injury to another person who is 65 years of age or older."

Section 3. Amend §612 and §613, Title 11, Delaware Code by adding at the end of each section the following sentence:

"It is no defense that the accused did not know the person's age or that the accused reasonably believed the person to be under the age of 65."

Section 4. Amend §831, Title 11, Delaware Code by deleting subsection (b) thereof in its entirety.

Section 5. Amend §832(a), Title 11, Delaware Code by adding thereto a paragraph (4) as follows:

"(4) Commits said crime against a person who is 65 years of age or older."

Approved July 9, 1991.

CHAPTER 130

FORMERLY

SENATE BILL NO. 89

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO ALCOHOLIC LIQUORS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §561(c), Chapter 5, Title 4, Delaware Code, by striking the figure "20" as it appears in said subsection and substituting in lieu thereof the figure "21".

Approved July 9, 1991.

CHAPTER 131

FORMERLY

SENATE BILL NO. 126

AN ACT TO AMEND CHAPTER 38, TITLE 31, DELAWARE CODE, RELATING TO FOSTER CARE REVIEW.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3806, Chapter 38, Title 31, Delaware Code, by striking the phrase "$10 per meeting" as it appears therein and by substituting in lieu thereof the phrase "$15 per meeting".

Approved July 9, 1991.

CHAPTER 132

FORMERLY

SENATE BILL NO. 152

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE REGULATION OF BOXING MATCHES OR EXHIBITIONS AND THE DEREGULATION OF WRESTLING MATCHES OR EXHIBITIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8810(c), Title 29 of the Delaware Code by deleting that section in its entirety and substituting in lieu thereof the following:

"(c) The Division of Professional Regulation shall have the following powers, duties and functions related to the regulation of boxing. It shall:

(1) Promulgate and enforce rules and regulations for the conduct of professional and amateur boxing matches or exhibitions for which a fee is charged. The Division shall consult with members of the medical profession on health-related matters in the promulgation of health-related regulations;

(2) Issue licenses and permits for amateur and professional boxing exhibitions for which a fee is charged. The Division shall have the power to suspend or revoke any license in the interest and protection of the public health, safety and welfare;

(3) Determine whether a bond shall be posted, the amount of any bond and all other conditions relative to such posting or to any waiver or exclusion from posting a bond;

(4) Designate an agent to act on behalf of the Division who shall, at all times during any boxing match, be the person present representing the State, and exercising its regulatory powers over all persons involved with the match including the authority to veto the decisions of others for good cause, and the authority to halt any match or all matches in the interest of the public health, safety or welfare."

Approved July 9, 1991.

CHAPTER 133

FORMERLY

SENATE BILL NO. 163
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1625, Chapter 16, Title 24 of the Delaware Code by re-designating all of said section as new subsection (a); by striking the title to said section, and substituting in lieu thereof the following:

"§1625. Rules and prohibitions relating to adult entertainment establishments."

Section 2. Amend §1625, Chapter 16, Title 24 of the Delaware Code by adding thereto a new subsection, designated as subsection (b), which new subsection shall read as follows:

"(b) No adult entertainment establishment shall open to do business before 10:00 a.m., Monday through Saturday; and no adult entertainment establishment shall remain open after 10:00 p.m., Monday through Saturday. No adult entertainment establishment shall be open for business on any Sunday or a legal holiday as designated in §501, Title 1 of the Delaware Code."

Section 3. Amend §1617, Title 24 of the Delaware Code by striking the title to said section, and substituting in lieu thereof the following:

"§1617. Suspension and Revocation of License"

Section 4. Amend §1617, Title 24 of the Delaware Code by adding thereto a new subsection, designated as subsection (d), which new subsection shall read as follows:

"(d) The license for the operation of an adult entertainment establishment other than a massage establishment may be suspended by the Commission, for a period not to exceed six months, for any violation of this Chapter not otherwise punishable by Subchapter (a) of this section, or §1616 of this Chapter."

Approved July 9, 1991.

CHAPTER 134

FORMERLY

SENATE BILL NO. 164
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16 AND TITLE 24 OF THE DELAWARE CODE RELATING TO CERTAIN ADULT ENTERTAINMENT ESTABLISHMENTS; AND PROVIDING FOR THE PREVENTION AND CONTROL OF CERTAIN SEXUALLY-RELATED COMMUNICABLE DISEASES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 16, Title 24 of the Delaware Code by redesignating all of the present chapter as new Subchapter I, which shall be entitled as follows:

"SUBCHAPTER I. ADULT BOOK STORES AND OTHER ADULT ENTERTAINMENT ESTABLISHMENTS"

and by adding thereto a new subchapter, designated as Subchapter II, which new subchapter shall read as follows:

"SUBCHAPTER II. ADULT ENTERTAINMENT ESTABLISHMENTS; PUBLIC NUISANCES

§1631. Statement of purpose; findings

(a) It is hereby found that there are certain commercial premises, buildings, structures, or parts thereof which, by reason of the design and use of such premises, buildings or structures are conducive to the spread of communicable disease to persons frequenting such premises, buildings and structures; and also to the public health, safety and welfare. The General Assembly declares that the health, safety and welfare of all persons in this State should be protected through the application and enforcement of standards regulating such premises, buildings and structures, in order to eliminate the possibility of the spread of, or infection by, communicable diseases.

(b) The sexually transmittable disease of Acquired Immune Deficiency Syndrome, currently found to be irreversible and uniformly fatal, is found to be of particular danger to persons who frequent adult entertainment establishments or other premises, when they are in violation of State law. A high incidence of this and other communicable diseases is found to occur in discernable population groups. The risk factors for obtaining or spreading A.I.D.S. are associated with high-risk sexual conduct. The commercial premises, buildings and structures where persons might place themselves at risk of infection from this disease, or from any other communicable disease facilitated by high-risk sexual conduct, should as public policy be regulated; and standards for the prevention of the spread of these communicable diseases should be established for the protection of the public health, safety and welfare.

§1632. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) "Booths, stalls, or partitioned portions of a room or individual rooms" shall mean:

(1) enclosures specifically offered to persons for a fee, or as an incident to performing high-risk sexual conduct; or

(2) enclosures which are part of a business operated on the premises, which offers movies or other entertainment to be viewed within such enclosure, including enclosures wherein movies or other entertainment is dispensed for a fee.

(3) The words "booths, stalls, or partitioned portions of a room or individual rooms" shall not mean enclosures which are private offices used by an owner, manager, or other person employed

on the premises for attending to the tasks of such person's employment, and which office or enclosure is not held out for use or hire to the public for the purpose of viewing movies or other entertainment for a fee; and which are not open to any persons other than employees.

(b) "Doors, curtains or portal partitions" shall mean full, complete, non-transparent closure devices constructed so that one outside cannot see or view activity taking place within the enclosure.

(c) "Hazardous site" shall mean any commercial premises, building, structure, or any part thereof, which is a site of high-risk sexual conduct.

(d) "High-risk sexual conduct" shall mean:

(1) fellatio;

(2) anal intercourse; and/or

(3) vaginal intercourse with persons who engage in sexual acts for exchange of money.

(e) "Open to an adjacent public room so that the area inside is visible to persons in such adjacent room" shall mean either:

(1) the absence of any door, curtain or portal partition; or

(2) a door or other device which is made of clear, transparent material such as glass, plexiglass or other similar material meeting building code and safety standards, which permits the activity inside the enclosure to be viewed or seen by persons outside the enclosure.

(f) "Secretary" shall mean the Secretary of the Department of Health and Social Services.

§1633. Building Standards

(a) No commercial building, structure, premises, part thereof, or facilities therein, shall be so constructed, used, designed or operated for the purpose of engaging in, or permitting persons to engage in, sexual activities which include high-risk sexual conduct.

(b) No person shall own, operate, manage, rent, lease or exercise control over any commercial building, structure, premises, or portion or part thereof, which contains:

(1) partitions between subdivisions of a room, portion or part of a building, structure or premises having an aperture which is designed or constructed to facilitate sexual activity between persons on either side of the partition; or

(2) booths, stalls, or partitioned portions of a room, or individual rooms, used for the viewing of motion pictures or other forms of entertainment, having doors, curtains or portal partitions, unless such booths, stalls, partitioned portions of a room, or individual rooms so used shall have at least one side open to an adjacent public room so that the area inside is visible to persons in adjacent public rooms. Such areas shall be lighted in a manner that the persons in the areas used for viewing motion pictures or other forms of entertainment are visible from the adjacent public rooms, but such lighting shall not be of such intensity as to prevent the viewing of the motion pictures or other offered entertainment.

(c) The standards set forth in this section shall not apply to buildings, structures and premises which are lawfully operating as hotels, motels, apartment complexes, condominiums or rooming houses.

§1634. Department of Health and Social Services

(a) The Department of Health and Social Services shall administer this subchapter and may adopt rules and regulations to facilitate its administration of this subchapter. In exercising the powers conferred by this or any other section of the Delaware Code or of this Chapter relating to sexually-related communicable diseases, the Department shall be guided by the most recent instructions, opinions and guidelines of the Center for Disease Control of the United States Department of Health and Human Services as the same relate to the spread of infectious diseases. Any rules or regulations which are adopted by the Department which relate to controlling the spread of sexually-related communicable diseases shall also apply in the exercising its powers authorized under this subchapter.

(b) In order to ascertain the source of certain infections, and reduce the spread of infection, the Secretary and all persons so authorized by the Secretary, shall have full power and authority to inspect or cause to be inspected, and to issue orders regarding any commercial building, structure, premises, or any part thereof, which may be a site of high-risk sexual conduct. If the Secretary determines that a hazardous site exists, the Secretary May:

(1) notify the management, owner or tenant of the premises that the Secretary has reasonable belief that such premises, building or structure is a hazardous site; and

(2) issue warnings to the management, owner or tenant of the premises to remedy those items cited or listed by the Secretary's notice; and

(3) once such notice and warnings have been issued, the Secretary, or any person designated by the Secretary, shall have the right to proceed in accordance with §1635.

§1635. Closure of Certain Public Nuisances

(a) After the Secretary has issued the notice and warning described in §1634, the management, owner or tenant shall have ten days to request a hearing before the Secretary or a hearing officer appointed by the Secretary, for a final determination as to whether or not the site is a hazardous site. If the management, owner or tenant of the premises does not, within ten days of the notice, request a hearing, the Secretary shall then cause the premises to be posted with a warning advising the public that the premises have been declared a hazardous site. The Secretary shall then issue an order to the management, owner or tenant of such premises to take measures to bring the premises into compliance with §1633 of this Chapter.

(b) If the management, owner or tenant of the premises requests a hearing, the hearing shall be held before the Secretary or a hearing officer approved by the Secretary at a date not more than thirty days after such request for a hearing. After considering all evidence, the Secretary or the hearing officer, as the case may be, shall make a determination as to whether or not the premises constitute a hazardous site. If the Secretary or hearing officer makes a determination that the premises constitute a hazardous site, the Secretary shall then issue an order and cause the premises, building or structure to be posted with a warning advising the public that the premises have been declared a hazardous site.

(c) If, after thirty days from issuance of the Secretary's order to the management, owner or tenant of the hazardous site, the Secretary determines that the measures to bring the premises into compliance, and to prevent high-risk sexual conduct have not been undertaken, the Secretary may declare the site to be a public nuisance, and:

(1) order the abatement of the hazardous site as a public nuisance, which order shall be enforced by mandatory or prohibitory injunction in a court of competent jurisdiction; and/or

(2) may secure a court order for the closure of the premises constituting a hazardous site until the premises, building, or structure is in compliance with the standards set forth in §1633, or

(3) may, in compliance, with §310, Title 16 of the Delaware Code, take such steps as are set forth therein for the abatement of a nuisance."

(d) The management, owner or tenant may, within 30 days of the Secretary's order, apply to the Superior Court for a civil trial de novo of any finding or findings made by the Secretary or hearing officer; and of any charges brought against said management, owner or tenant.

Section 2. Amend §310, Chapter 3, Title 16 of the Delaware Code by adding to said section a new subsection, designated as subsection (c), which new subsection shall read as follows:

"(c) Where the Secretary of Health and Social Services determines, in accordance with Chapter 16, Title 24 of the Delaware Code, that a public nuisance exists, the Secretary shall have all the powers granted by this Chapter to local boards of health. The Secretary may also apply to a court under §311, §312 and any other sections of this Chapter to enter the premise and remove health hazards, and to do any other act permitted a local board of health, so long as such act is consonant with the provisions and intent of said Chapter 16, Title 24 of the Delaware Code."

Approved July 9, 1991.

CHAPTER 135

FORMERLY

SENATE BILL NO. 175

AN ACT TO AMEND CHAPTER 19, TITLE 9 OF THE DELAWARE CODE, RELATING TO NEW CASTLE COUNTY POLICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1902, Chapter 19, Title 9 of the Delaware Code, by striking the phrase "Director of Police" wherever it appears therein and by substituting in lieu thereof the following:

"Chief of Police".

Approved July 9, 1991.

CHAPTER 136

FORMERLY

SENATE BILL NO. 179

AN ACT CONCURRING IN A PROPOSED AMENDMENT TO ARTICLE V, SECTION 6 OF THE DELAWARE CONSTITUTION RELATING TO THE COMPOSITION OF THE SUPERIOR COURT AS A BOARD OF CANVASS IN KENT COUNTY.

WHEREAS, an amendment to the Constitution of the State of Delaware was proposed in the 135th General Assembly, being Chapter 305, Volume 67, Laws of Delaware, as follows:

"AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 6 OF THE DELAWARE CONSTITUTION RELATING TO THE COMPOSITION OF THE SUPERIOR COURT AS A BOARD OF CANVASS IN KENT COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Section 6 of Article V of the Delaware Constitution by striking the words "in Kent County of the Chancellor and the resident Associate Judge" as the same appears in the sixth paragraph of said Section 6 and substituting in lieu thereof the following: "in Kent County of the resident Associate Judge and an Associate Judge designated by the President Judge".

Section 2. Amend Section 6 of Article V of the Delaware Constitution by striking the words "the Chancellor or" as the same appears in the seventh paragraph of said Section 6."

WHEREAS, the said proposed amendment was adopted by two-thirds of all members elected to each House of the 135th General Assembly.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. The said proposed amendment is hereby concurred in and adopted, and shall forthwith become a part of the Constitution of the State of Delaware.

Effective June 28, 1991.

CHAPTER 137

FORMERLY

SENATE BILL NO. 182

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE RELATING TO MARINE FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §6002, Chapter 60, Title 7 of the Delaware Code by deleting (50) of said section in its entirety and substituting the following:

"(50) 'Marine Sanitation Device (MSD)' includes any equipment on board a vessel which is designed to receive, retain, treat or discharge sewage, and any process to treat such sewage. Marine sanitation devices are classified as:

a. 'Type I marine sanitation device' means a device that produces an effluent having a fecal coliform bacteria count not greater than 1,000 per 100 milliliters and no visiable floating solids.

b. 'Type II marine sanitation device' means a device that produces an effluent having a fecal coliform bacteria count of not greater than 200 per 100 milliliters and suspended solids not greater than 150 milligrams per liter.

c. 'Type III marine sanitation device' means a device that is certified to a no-discharge standard. Type III devices include recirculating and incinerating MSDs and holding tanks.

d. 'Pumpout facility' means a mechanical device which is temporarily connected to a vessel for the purpose of removing sewage and graywater from a vessel to an approved sewage disposal facility."

Section 2. Amend §6002, Chapter 60, Title 7 of the Delaware Code by adding new subsections to read as follows:

"(54) ' Marinas' are those facilities adjacent to the water which provide for mooring, berthing, or storage of boats, and which include any or all of the related ancillary structures and functions of marinas, such as docks, piers, boat storage areas, boat ramps, anchorages, breakwaters, channels, moorings, basins, boat repair services, boat sales, sales of supplies which are normally associated with boating such as fuel, bait and tackle, boat rentals and parking areas for users of the marina.

(55) 'Slip' means a place where a boat may be secured to a fixed or floating structure, including, but not limited to a dock, pier, mooring or anchorage. Slips may be wet (in the water) or dry (in a rack or other device on land).

(56) 'Dump station' means a type of pumpout facility that receives vessel sewage from portable marine sanitation devices and delivers that sewage to an approved sewage disposal facility.

(57) 'Dedicated pumpout facility' means a semi-permanent connection made to a vessel for the purpose of removing sewage and graywater from the vessel on a continuous basis or automatic intermittent basis to an approved disposal facility."

Section 3. Amend §6035, Chapter 60, Title 7 of the Delaware Code by deleting subsection (a) and paragraphs (b) (1), (b) (2), (b) (3), and (b) (4) in their entirety, substituting the following, and renumbering the remaining paragraph accordingly:

"(a) Marina owners/operators for marinas that are located in whole or in part on tidal waters of the State of Delaware, and that provide dockage for vessels with a Type III marine sanitation device(s) (MSD), shall provide convenient access, as determined by the Department, to an approved, fully operable and well maintained pumpout facility(ies) and/or dump

station(s) for the removal of sewage and graywater from said vessels to a Department approved sewage disposal system.

(b) (1) Owners/operators may agree to pool resources for a single pumpout dump station with Departmental approval based on criteria of number and class of vessels, marina locations, cost per pumpout use, and ultimate method of sewage treatment and disposal (i.e. septic system or waste water treatment facility).

(2) The owner/operator of any boat docking facility that is located in whole or in part on tidal waters of the State of Delaware, and that provides dockage for a live-aboard vessel(s) with a Type III marine sanitation device(s), shall install and maintain at all times, in a fully operable condition, an approved dedicated pumpout facility at each live-aboard vessel on a continuous or automatic, intermittent basis to a Department approved sewage disposal system.

(3) Any discharge, by any means, of untreated or inadequately treated vessel sewage into or upon the waters of any marina, boat docking facility or tidal water of the State is prohibited.

(4) This section applies to all vessels while on waters of the State of Delaware. All pathways for overboard discharge of vessel sewage from any vessel with a Type III marine sanitation device (MSD) shall be blocked or secured in such a way as to prevent any accidental or intentional vessel sewage discharge. This shall be accomplished by disconnecting or physically blocking those onboard sewage lines or through-hull fittings which would allow for overboard vessel sewage discharge. In the event an in-line 'Y' valve is used, overboard vessel sewage discharge shall be prevented by bypassing, locking, securing or disabling said valve by use of a padlock, non-reusable wire tie wrap, removal of the valve handle, or any other method approved or required by the Department, such that the chosen compliance method will totally eliminate the possibility of overboard vessel sewage discharge while in waters of the State. The method chosen must be one that presents a physical barrier to the use of the valve, whether accidental or intentional, so that surreptitious use can not occur without the knowledge of the owner."

Approved July 9, 1991.

CHAPTER 138

FORMERLY

SENATE BILL NO. 184

AN ACT TO REINCORPORATE THE TOWN OF DAGSBORO.

WHEREAS, the present Charter of The Town of Dagsboro was enacted in 1941; and

WHEREAS, in the ensuing 50 years, there have been innumerable amendments and many of the provisions have become outdated and, in some instances, invalid; and

WHEREAS, it is deemed desirable that the Charter of The Town of Dagsboro, being Chapter 161, Volume 43, Laws of Delaware, as amended, entitled "An Act to Reincorporate The Town of Dagsboro," together with the various amendments and supplements thereto, be amended and revised in certain respects and consolidated into one complete Act.

NOW THEREFORE,

BE IT ENACTED, by the General Assembly of the State of Delaware (two-thirds of all Members elected to each House thereof concurring therein):

INCORPORATION

Section 1. The inhabitants of The Town of Dagsboro within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided are hereby declared to be a body politic incorporated in law and equity and shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended in all courts of judicature whatsoever by the corporate name of "The Town of Dagsboro."

The Town shall have perpetual succession and shall succeed to own or possess all property, whether real, personal, or mixed, tangible or intangible, of whatever kind and nature, and all the powers, rights, privileges or immunities now or heretofore belonging to, possessed or enjoyed by the Town of Dagsboro previously incorporated at Chapter 161, Volume 43, Laws of Delaware, as amended.

TERRITORIAL LIMITS

Section 2. The present boundaries and limits of The Town of Dagsboro are hereby established and declared as follows:

BEGINNING at a point in the center of the State Highway leading from Frankford to Dagsboro, said beginning point being opposite the center of the John M. Clayton School Building; thence North eighty-eight degrees West seven hundred feet (N 88 degrees W 700 ft.) to a stone; thence North twenty-four degrees West four thousand and one hundred and fifty feet (N 24 degrees W 4,150 ft.) to the run of Pepper's Creek Canal; thence in a southwesterly direction with said Canal to the middle of a ditch known as the fifth prong of said Canal; thence in a Northwesterly direction with the various meanderings of said ditch to the center of the Coleman du Pont Boulevard (State Route 113) to a bridge, numbered 423; thence with the center of said Boulevard the following two courses and distances, to-wit; North seventy-seven degrees West seven hundred and seventy feet (N 77 degrees W 770 ft.); North forty-five degrees West two thousand and fifty-five feet (North 45 degrees W 2,055 ft.) to a bridge numbered 501; thence in a Northeasterly direction with the various meanderings of a ditch to a stone at the ditch on line for lands of John C. Hazzard and Granville A. Cannon; thence North seventy-five degrees East one thousand and eighty-two feet (N 75 degrees E 1,082 ft.) to the intersection of the State Highway leading from Dagsboro and the D. M. & V. R. R.; thence North twenty-one degrees East one hundred and seventy-seven feet (N 21 degrees E 177 ft.) to an iron; thence South sixty-four and one-half degrees East eight hundred and ninety-five feet (S 64-1/2 degrees E 895 ft.); thence South forty-four degrees and thirty minutes East seven hundred and twenty-three feet (S 44 degrees 30 minutes E 723 ft.) to a stone on the bank of a ditch, thence in a Southeasterly direction with the various

meanderings of said ditch to a stone where ditch empties into Pepper's Creek Canal; thence South thirty-six and one-quarter degrees East five hundred and thirty-six feet (S 36-1/4 degrees E 536 ft.) to a tone; thence South sixty and one-half degrees East two hundred and ninety-six feet (S 60-1/2 degrees E 296 ft.) to a stone; thence South one-half degrees East one thousand five hundred and ninety-four feet (S 1/2 degree E 1,594 ft.) to a stone; thence South twenty-eight and one-half degrees West one thousand three hundred and ten feet (S 28-1/2 degrees W 1,310 ft.) to a stone; thence South one and one-half degrees West two thousand one hundred and sixty-eight feet (S 1-1/2 degrees W 2,168 ft.) to a stone; thence South sixty-three and three-quarter degrees West five hundred and forty feet (S 63-3/4 degrees W 540 ft.) to the point or place of beginning. The Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot, when so made and approved by the said Council, and signed by the Mayor and Secretary of Council, and sealed with the Town Seal, and when recorded in the office of the Recorder of Deeds of the State of Delaware, in and for Sussex County, at Georgetown, shall be deemed to be a true map and plot of the Town, and the same, or the record thereof or a duly certified copy of said record, shall be evidence in all Courts of law and equity in this State.

ANNEXATION OF TERRITORY

Section 3. In the event it becomes feasible and necessary in the future for The Town of Dagsboro to enlarge its then existing limits and territory, such annexation accomplished pursuant to the following procedures shall be lawful:

(A) If all of the property owners of a territory contiguous to the then existing corporate limits and territory of The Town of Dagsboro, by written Petition with the signature of each such Petitioner duly acknowledged, shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Dagsboro shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written Report containing its findings and conclusions to the Mayor and Town Council of Dagsboro, The Report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Dagsboro and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Dagsboro may then pass a second Resolution annexing such territory to The Town of Dagsboro. Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the procedure to be followed shall be the same as hereinafter provided as if the annexation were proposed by five (5) or more property owners but less than all the property owners of a territory contiguous to the then limits and territory of The Town of Dagsboro.

(B) If five (5) or more property owners but less than all of the property owners of a territory contiguous to the then limits and territory of The Town of Dagsboro by written Petition with the signature of each such Petitioner duly acknowledged shall request the Town Council to annex that certain territory in which they own property, the Mayor of The Town of Dagsboro shall appoint a Committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. The Petition presented to the Town Council shall include a description of the territory requested to be annexed and the reasons for the requested annexation; or the Town Council, by majority vote of the elected members thereof may, by Resolution, propose that a committee composed of not less than three (3) of the elected members of the Town Council be appointed by the Mayor to investigate the possibility of

annexing any certain territory contiguous to the then limits and territory of The Town of Dagsboro.

(C) Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written Report containing its findings and conclusions to the Mayor and the Town Council of Dagsboro. The Report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Dagsboro and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, within thirty (30) days after receiving a report, a second Resolution shall then be passed by the Town Council proposing to the property owners and residents of both The Town of Dagsboro and the territory proposed to be annexed that the Town proposes to annex certain territory contiguous to its then limits and territory. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the Resolution proposing annexation to the property owners and residents shall require the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. If the Resolution shall fail to receive the affirmative vote of two-thirds (2/3) of the elected members of the Town Council, the territory proposed to be annexed shall not again be considered for annexation for a period of one (1) year from the date that the Resolution failed to receive the required affirmative vote. The second Resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The Resolution adopted by the Town Council setting forth the above information shall be printed in a newspaper having a general circulation in The Town of Dagsboro at least one (1) week prior to the date set for the public hearing, or, at the discretion of the Town Council, the said Resolution shall be posted in four (4) public places both in The Town of Dagsboro and in the territory proposed to be annexed.

(D) Following the public hearing, but in no event later than thirty (30) days thereafter, a Resolution shall then be passed by a majority of the Town Council ordering a Special Election to be held not less than thirty (30) nor more than sixty (60) days after the said public hearing on the subject of the proposed annexation. Passage of this Resolution shall ipso facto be considered the determination of the Town Council to proceed with the matter of the proposed annexation.

(E) The notice of the time and place of said Special Election shall be printed within thirty (30) days immediately preceding the date of this Special Election in at least two (2) issues of a newspaper having a general circulation in The Town of Dagsboro, or, in the discretion of the Town Council, the said notice may be posted in four (4) public places, both in The Town of Dagsboro and in the territory proposed to be annexed at least fifteen (15) days prior to the date set for the said Special Election.

(F) At the Special Election, every property owner, whether an individual, partnership or a corporation both in The Town of Dagsboro and in the territory proposed to be annexed shall have one (1) vote. Every citizen of either The Town of Dagsboro or of the territory proposed to be annexed over the age of eighteen (18) years who is not a property owner shall have one (1) vote. In the case of property owned by more than one (1) person, firm or corporation or any combination thereof whether as tenants in common, joint tenants, or as tenants by the entireties, each such joint owner shall have one (1) vote. In the event that a person owns property or has an ownership interest in property both in The Town of Dagsboro and in the territory proposed to be annexed and resides in either place, he may vote only where he resides. In the event that a person owns property both in The Town of Dagsboro and in the territory proposed to be annexed but does not reside in either place, he may vote only in The Town of Dagsboro and not in the territory proposed to be annexed. Property owners whose property is exempt from taxation or is not assessed for taxation shall not be entitled to vote The books and records of The Town of Dagsboro in the case of property owners and citizens of the Town and the and records of the Board of Assessment of Sussex County in the case of property owners and residents of the territory proposed to be annexed shall

be conclusive evidence of the right of such property owners and citizens to vote at the Special Election.

(G) In the event that an individual holds an unrevoked Power of Attorney duly executed specifically authorizing the said individual to vote at the said Special Election, an executed copy of the Power of Attorney shall be filed in the Office of The Town of Dagsboro. Said Power of Attorney so filed shall constitute conclusive evidence of the right of said person to vote in the Special Election.

(H) The Town Council of The Town of Dagsboro shall cause voting machines to be used in the Special Election, the form of ballot to be printed as follows:

[ ] For the proposed annexation.

[ ] Against the proposed annexation.

(I) The Mayor of The Town of Dagsboro shall appoint three (3) persons to act as a Board of Special Election, at least one (1) of whom shall own property in The Town of Dagsboro and at least one (1) of whom shall own property in the property proposed to be annexed. One (1) of the said persons so appointed shall be designated the Presiding Officer. Voting shall be conducted in a public place as designated by the Resolution calling the Special Election. The Board of Special Election shall have available, clearly marked, two (2) voting machines. All votes cast by those persons, partnerships or corporations authorized to vote as residents or property owners in the territory proposed to be annexed shall be accomplished on one such voting machine and all ballots cast by those persons, partnerships, or corporations who are authorized to vote as residents or property owners of The Town of Dagsboro shall be accomplished on the other such voting machine. The polling place shall be open from one o'clock in the afternoon, prevailing time, until five o'clock in the afternoon, prevailing time, on the date set for the Special Election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls.

(J) Immediately upon the closing of the polling place, the Board of Special Election shall count the ballots for and against the proposed annexation and shall announce the result thereof; the Board of Special Election shall make a Certificate under their hands of the votes cast for and against the proposed annexation and the number of void votes and shall deliver the same to the Town Council of The Town of Dagsboro. Said Certificate shall be filed with the papers of the Town Council.

(K) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast both from The Town of Dagsboro and from the territory proposed to be annexed must have been cast in favor of the proposed annexation. In the event that the Special Election results in an unfavorable vote for annexation, no part of the territory considered at the Special Election for annexation shall again be considered for annexation for a period of at least one (1) year from the date of said Special Election. If a favorable vote for annexation shall have been cast, the Town Council of The Town of Dagsboro shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, but in no event shall said recordation be completed more than ninety (90) days following the date of the said Special Election. The territory considered for annexation shall be considered to be a part of The Town of Dagsboro from the time of recordation. The failure to record the description or the plot within the specified time shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the favorable Special Election.

(L) If the territory proposed to be annexed includes only territory which is exempt from taxation or which is not assessed on the books of the Board of Assessment of Sussex County, no election shall be necessary and the Town Council of The Town of Dagsboro may proceed to annex such territory by receiving a certified copy of a Resolution requesting such annexation if such property is owned by a corporation or by a written Petition with the signature of each such Petitioner duly acknowledged if

such property is owned by an individual, requesting the Town Council to annex that certain territory in which they own property. The certified copy of the Resolution or the Petition shall include a description of the territory requested to be annexed and the reasons for the requested annexation. Upon receipt of the certified copy of the Resolution or the Petition, the Mayor of the Town of Dagsboro shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of annexation. Not later than ninety (90) days following its appointment by the Mayor, as aforesaid, the Committee shall submit a written report containing its findings and conclusions to the Mayor and Town Council of Dagsboro. The report so submitted shall include the advantages and disadvantages of the proposed annexation both to The Town of Dagsboro and to the territory proposed to be annexed and shall contain the recommendation of the Committee whether or not to proceed with the proposed annexation and the reasons therefor. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is advantageous both to the Town and to the territory proposed to be annexed, the Town Council of Dagsboro may then pass a second Resolution annexing such territory to The Town of Dagsboro. Such Resolution shall be passed by the affirmative vote of two-thirds (2/3) of all the elected members of the Town Council. In the event that the Committee appointed by the Mayor concludes that the proposed annexation is disadvantageous either to the Town or to the territory proposed to be annexed, the Resolution shall be passed by three-fourths (3/4) of all the elected members of the Town Council. If the Resolution fails to receive the required number of votes, no part of the territory proposed for annexation shall again be proposed for annexation for a period of one (1) year from the date that the Resolution failed to receive the required votes. If the Resolution receives the required number of votes, the Town Council of The Town of Dagsboro shall cause a description and a plot of the territory so annexed to be recorded in the Office of the Recorder of Deeds, in and for Sussex County, and in no event shall such recordation be completed more than ninety (90) days following the passage of the Resolution. The territory considered for annexation shall be considered to be a part of The Town of Dagsboro from the time of recordation. The failure of the Town Council to record the description and plot within the time hereinbefore specified shall not make the annexation invalid, but such annexation shall be deemed to be effective at the expiration of the ninety (90) day period from the date of the passage of the Resolution.

STRUCTURE OF GOVERNMENT

Section 4. The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided herein, shall be vested in and exercised by a five (5) member Town Council, each of whom shall be elected by popular vote as hereinafter provided. The term of office for each member of the Town Council shall be three (3) years, commencing at the Annual Meeting of the Town Council following his election and continuing until his successor is duly elected and qualified. The present Council members of the Town of Dagsboro shall continue to serve as Council members and officers of the Town from and after the effective date of this Charter, until their successors are duly elected or appointed. At the annual Town election in 1991, three (3) Council members shall be elected to fill the vacancies created by the expiration of the terms of office of the three (3) then-outgoing Council members. The two (2) candidates receiving the highest number of votes shall be deemed elected for three (3) years each; the candidate with the next highest number of votes shall be deemed elected for two (2) years. If there is no election because three (3) candidates file for three (3) vacancies, then those so elected shall determine by lot which candidate receives the two (2) year term. At the annual Town election in 1992, two (2) Council members shall be elected to fill the vacancies created by the expiration of the terms of office of the two (2) then-outgoing Council members. Thereafter, the terms shall be staggered. The Mayor and each Council person shall receive as compensation such amount as shall be determined by the Town Council by ordinance or resolution for attendance at any regular meeting, special meeting or workshop meeting. The time of payment shall be determined by the Town Council, but in no event shall such compensation be paid less frequently than quarterly.

QUALIFICATIONS FOR MEMBERS OF TOWN COUNCIL

Section 5. The qualifications for each member of the Town Council at the time of the election shall be as follows:

(A) Each member shall be at least eighteen (18) years of age.

(B) Each member shall be a natural person, citizen of the United States and of the State of Delaware and a bona fide resident of The Town of Dagsboro.

(C) Each of the qualifications for members of the Town Council shall be continuing qualifications to hold office and the failure of any member of the Town Council to have any of the qualifications required by this Section during his term of office shall create a vacancy in the office.

METHOD OF MAKING NOMINATIONS FOR TOWN COUNCILMAN

Section 6. Each candidate for the Office of Town Councilman shall be nominated as follows:

(A) Each candidate for Town Councilman shall notify the Secretary of the Town Council in writing of his candidacy.

(B) All notifications of candidacy shall be filed with the Secretary of the Town Council not later than four o'clock in the afternoon, prevailing time, on the third Friday in November. If such day be a legal holiday, the last day for filing notification of candidacy shall be the last business day immediately preceding the third Friday in November. Such notification of candidacy shall be upon a suitable form or blank furnished by The Town of Dagsboro, which said statement shall be dated, signed by the candidate and witnessed by at least two (2) qualified persons eligible to vote in the Annual Municipal Election.

(C) The Town Council shall make arrangements for voting machines to be placed in the polling place prior to the time set forth in this Charter for the beginning of the Annual Municipal Election.

(D) The Town Council shall hold a meeting within five (5) days after the close of the time for the filing of notification of candidacy for the purpose of determining the qualifications of the candidates.

MANNER OF HOLDING ANNUAL MUNICIPAL ELECTION

Section 7. The procedure for holding the Annual Municipal Election shall be as follows:

(A) The Annual Municipal Election shall be held at a place designated by the Town Council within the corporate limits of The Town of Dagsboro on the first Saturday in December of each and every year from one o'clock in the afternoon, prevailing time, until five o'clock in the evening, prevailing time, the first said Annual Municipal Election to be held pursuant to this Charter to be held on the first Saturday in December, A.D. 1991.

(B) At the Annual Municipal Election to be held on the first Saturday in December, A.D. 1991, three (3) members of the Town Council shall be elected. Each of the Councilmen who are elected shall serve for a term of three (3) years, or until his successor has been duly elected and qualified.

(C) At the Annual Municipal Election to be held on the first Saturday in December, A.D. 1992, two (2) members of the Town Council shall be elected. Each of the Councilmen so elected shall serve for a period of three (3) years or until his successor has been duly elected and qualified.

(D) Thereafter, the terms of the Council shall be staggered so that at each Annual Municipal Election, there shall be elected Councilmen who shall serve for a term of three (3) years or until their successors have been duly elected and qualified.

(E) The members of the Town Council of Dagsboro who hold office at the time of passage of this Act shall continue to hold office until their respective successors have been duly elected and qualified.

(F) The Annual Municipal Election shall be conducted by a Board of Election consisting of an Inspector and two (2) Judges appointed by the Mayor of The Town of Dagsboro with the concurrence of a majority of the members of the Town Council not later than the last regular meeting of the Town Council prior to the date of the Annual Municipal Election. The Board of Election shall determine who is and who is not lawfully entitled to vote at the Annual Municipal Election, take reasonable steps to see that the law pertaining to the Annual Municipal Election, take reasonable steps to see that the law pertaining to the Annual Municipal Election receives compliance and for the purpose of counting the votes and certifying the result to the Town Council. If any of the officers so chosen and designated to conduct the Annual Municipal Election shall not be present at the polling lace at the time designated for the holding of the Annual Municipal Election, it shall be lawful for the qualified voters present at the polling place at the time of holding said Annual Municipal Election to elect from among their own number a person to fill each vacancy in such Board of Election caused by the absence of any member of the Board of Election. The Board of Election shall keep a list of all persons who voted at such Annual Municipal Election.

(G) At such annual municipal elections, every person, male or female, who shall have attained the age of eighteen (18) years and who shall be an owner of real property within the Town of Dagsboro for a period of thirty (30) days immediately preceding the date of such annual municipal election, whether an individual, partnership, association, or corporation, and whether or not a resident of the State of Delaware or of the Town of Dagsboro shall have one (1) vote, provided such person is registered to vote in the Town of Dagsboro. In addition, every person, male or female, who shall have obtained the age of eighteen (18) years on the date of the annual municipal election who shall be a bona fide resident of the State of Delaware and the Town of Dagsboro on the date of the annual municipal election shall be entitled to one (1) vote, provided such person is registered to vote in the Town of Dagsboro. Provided, however, that any person who is both an owner of real property and a resident and otherwise qualified to vote, shall only be entitled to one (1) vote. No vote shall be cast by a partnership except by a partner, and no vote shall be cast by an association or corporation except by a person holding a certified copy of a resolution of said association or corporation authorizing the person named therein to cast the vote of said association or corporation, which certified copy of the resolution shall be filed with the election Board at the time said ballot is cast. The Town Council of the Town of Dagsboro shall provide two (2) registers to be known as the "Books of Registered Voters" which are to be kept at the Town office. The Books of Registered Voters shall contain the following information for each person who registers: The names of the voters arranged in alphabetical order, the permanent address of the voter, the local address of the voter, the birth date of the voter, the date the voter became a resident of the State of Delaware, the date the voter became a resident of the Town of Dagsboro, the date the voter became a freeholder of the Town of Dagsboro and other pertinent information. No person shall be registered upon the Books of Registered Voters unless such person will have acquired the qualifications to vote in the annual municipal election for the year in which such person registers. A person shall only be required to register one time. The Books of Registered Voters shall be maintained at the Town office and shall show conclusive evidence of the right of any person to vote at the annual municipal election. A person may register at the Town office during regular business hours on any day until the close of business on the second Friday in January in any year.

(H) Any qualified voter of this Town may cast a vote by absentee ballot in any Municipal Election held under this provision of this Charter, such votes to be counted in the total for the Municipal Election if he is unable to appear at the polling place because of being:

1.In the public service of the United States or of the State; or

2.In the armed forces of the United State or the Merchant Marine of the United States, or attached to and serving with the armed forces of the United States and American Red Cross, Society of Friends or United Service Organizations; or

3.Unavoidably absent from the Town on the day of the Municipal Election; or

4.Sick or physically disabled; or

5.Because of his absence from a municipality while on vacation.

(I) In the event that no person files for office for which an election is to be held within the time set forth in Section 6 of this Charter, the incumbent shall be deemed to be re-elected for a full term and it shall not be necessary to have an election. In the event that fewer persons than positions available file for offices for which an election is to be held within the time set forth in Section 6 of this Charter, the decision of who is the incumbent shall be determined by lot.

(J) In the event that only one (1) person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.

(K) If two or more candidates for the office of Councilman shall receive an equal number of votes so that there shall not be an election of a Councilman, the incumbent councilman shall continue in office until the run-off election as hereinafter provided is held. The Board of Election shall declare the election a tie and shall report that result to the Town Council which shall, within twenty (20) days thereafter, hold an election between those candidates where a tie resulted under the same rules as hereinbefore set forth.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 8. (A) Before entering upon the duties of their respective offices, each of the Councilmen Elect shall be sworn by a Notary Public to perform faithfully and impartially the duties of their respective offices with fidelity. At 7:30 o'clock in the evening, prevailing time, at the first regular meeting following the Annual Municipal Election, the Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity, as aforesaid.

(B) At the annual meeting, held on the first regular meeting following the Annual Municipal Election, the Town Council shall organize and elect a Mayor, who shall hold office for the term of one (1) year or until his successor shall be duly elected. The Town Council shall likewise select a Vice-Mayor who shall hold office for the term of one (1) year or until his successor shall be duly elected. The Town Council shall likewise elect a Secretary who may or may not be from their own number to serve until the organization meeting after the next Annual Municipal Election. The Town Council may also select an Assistant Secretary to serve, as aforesaid, who may or may not be from among their own number and such other officers and employees as may be determined to be necessary.

REGULAR AND SPECIAL MEETINGS

Section 9. The Town Council of The Town of Dagsboro shall hold at least one (1) meeting in each month, the time and days of the meeting to be determined by Resolution of the Town Council. If the day selected by the Town Council shall be a legal holiday or if the monthly meeting is postponed because of weather or other unavoidable reason, the monthly meeting of the Town Council of The Town of Dagsboro shall be held on the next succeeding regular business day. Special meetings shall be called by the Secretary upon the written request of any two (2) members of the Town Council of The Town of Dagsboro, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary shall be deposited in the United States mail in the main Post Office of The Town of Dagsboro at least forty-eight (48) hours before the time of said special meeting; provided, however, that a written waiver of such notice signed by the Mayor of The Town of Dagsboro and by all members of the Town Council prior to

or immediately upon convening of the said such special meeting shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver so states.

QUORUM

Section 10. A majority of the members elected to the Town Council shall constitute a quorum at any regular or special meeting; but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance.

RULES AND MINUTES OF COUNCIL

Section 11. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

FILLING OF VACANCIES

Section 12. If any vacancy shall occur in the office of Mayor or in the office of Councilman by death, resignation, loss of residence in The Town of Dagsboro, refusal to serve, or otherwise, the same may be filled by a majority vote of the remaining members of the Town Council, the person or persons so chosen to fill such vacancy shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term.

DISQUALIFICATIONS

Section 13. If the Mayor or any Councilman, during his term of office, shall be found guilty of any felony, or if the Mayor or any Councilman shall for any reason cease to be a resident of the Town, he shall forthwith be disqualified to act as Mayor or as a member of Council and his office shall be deemed vacant and shall be filled by the Town Council, as aforesaid.

CONTRACTS

Section 14. (A) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars ($500.00) for materials, supplies, services, work or labor, for the benefit and use of The Town of Dagsboro with the Mayor or any member of the Town Council or with any partnership in which the Mayor or any member of the Town Council is a general partner, or with any corporation in which the Mayor or any member of the Town Council is a director or controlling stockholder, or with any firm or company in which the Mayor or any member of the Town Council is pecuniarily interested, provided that, if all the remaining elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

(B) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who submits a responsive bid; provided, however, that competitive bidding shall not be required in any of the following circumstances:

(1) The aggregate amount involved is not more than Ten Thousand Dollars ($10,000.00);

(2) The purchase or contract is for personal or professional services;

(3) The purchase or contract is for any service rendered by a University, college or other educational institution;

(4) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision;

(5) The purchase or contract is for property or services for which it is impracticable to obtain competition;

3.Unavoidably absent from the Town on the day of the Municipal Election; or

4.Sick or physically disabled; or

5.Because of his absence from a municipality while on vacation.

(I) In the event that no person files for office for which an election is to be held within the time set forth in Section 6 of this Charter, the incumbent shall be deemed to be re-elected for a full term and it shall not be necessary to have an election. In the event that fewer persons than positions available file for offices for which an election is to be held within the time set forth in Section 6 of this Charter, the decision of who is the incumbent shall be determined by lot.

(J) In the event that only one (1) person files or is nominated for office for which an election is to be held within the time set forth in Section 7 of this Charter, the person who files or who is nominated shall be deemed to be elected for a full term and it shall not be necessary to have an election.

(K) If two or more candidates for the office of Councilman shall receive an equal number of votes so that there shall not be an election of a Councilman, the incumbent councilman shall continue in office until the run-off election as hereinafter provided is held. The Board of Election shall declare the election a tie and shall report that result to the Town Council which shall, within twenty (20) days thereafter, hold an election between those candidates where a tie resulted under the same rules as hereinbefore set forth.

ORGANIZATION AND ANNUAL MEETING OF COUNCIL

Section 8. (A) Before entering upon the duties of their respective offices, each of the Councilmen Elect shall be sworn by a Notary Public to perform faithfully and impartially the duties of their respective offices with fidelity. At 7:30 o'clock in the evening, prevailing time, at the first regular meeting following the Annual Municipal Election, the Town Council shall meet at the Council Chamber and the newly elected officers shall assume the duties of office, being first duly sworn or affirmed to perform their duties with fidelity, as aforesaid.

(B) At the annual meeting, held on the first regular meeting following the Annual Municipal Election, the Town Council shall organize and elect a Mayor, who shall hold office for the term of one (1) year or until his successor shall be duly elected. The Town Council shall likewise select a Vice-Mayor who shall hold office for the term of one (1) year or until his successor shall be duly elected. The Town Council shall likewise elect a Secretary who may or may not be from their own number to serve until the organization meeting after the next Annual Municipal Election. The Town Council may also select an Assistant Secretary to serve, as aforesaid, who may or may not be from among their own number and such other officers and employees as may be determined to be necessary.

REGULAR AND SPECIAL MEETINGS

Section 9. The Town Council of The Town of Dagsboro shall hold at least one (1) meeting in each month, the time and days of the meeting to be determined by Resolution of the Town Council. If the day selected by the Town Council shall be a legal holiday or if the monthly meeting is postponed because of weather or other unavoidable reason, the monthly meeting of the Town Council of The Town of Dagsboro shall be held on the next succeeding regular business day. Special meetings shall be called by the Secretary upon the written request of any two (2) members of the Town Council of The Town of Dagsboro, stating the day, hour and place of the special meeting requested, and the subject or subjects proposed to be considered thereat. The Secretary shall thereon give written notice to the Mayor and to each member of the Town Council of the day, hour and place of such special meeting and the subject or subjects to be considered thereat. Such notice of the Secretary shall be deposited in the United States mail in the main Post Office of The Town of Dagsboro at least forty-eight (48) hours before the time of said special meeting; provided, however, that a written waiver of such notice signed by the Mayor of The Town of Dagsboro and by all members of the Town Council prior to

or immediately upon convening of the said such special meeting shall make such written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time named in the waiver and the transaction of any business considered at the meeting if the waiver so states.

QUORUM

Section 10. A majority of the members elected to the Town Council shall constitute a quorum at any regular or special meeting; but a lesser number may adjourn from time to time and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by Ordinance.

RULES AND MINUTES OF COUNCIL

Section 11. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings and the yeas and nays shall be taken upon the passage of every ordinance and resolution and shall be entered in the journal with the text of the ordinance or resolution.

FILLING OF VACANCIES

Section 12. If any vacancy shall occur in the office of Mayor or in the office of Councilman by death, resignation, loss of residence in The Town of Dagsboro, refusal to serve, or otherwise, the same may be filled by a majority vote of the remaining members of the Town Council, the person or persons so chosen to fill such vacancy shall be qualified as in the case of newly elected members and shall hold office for the remainder of the unexpired term.

DISQUALIFICATIONS

Section 13. If the Mayor or any Councilman, during his term of office, shall be found guilty of any felony, or if the Mayor or any Councilman shall for any reason cease to be a resident of the Town, he shall forthwith be disqualified to act as Mayor or as a member of Council and his office shall be deemed vacant and shall be filled by the Town Council, as aforesaid.

CONTRACTS

Section 14. (A) It shall be unlawful for the Town Council to make or enter into any contract in excess of Five Hundred Dollars ($500.00) for materials, supplies, services, work or labor, for the benefit and use of The Town of Dagsboro with the Mayor or any member of the Town Council or with any partnership in which the Mayor or any member of the Town Council is a general partner, or with any corporation in which the Mayor or any member of the Town Council is a director or controlling stockholder, or with any firm or company in which the Mayor or any member of the Town Council is pecuniarily interested, provided that, if all the remaining elected members of the Town Council shall vote to enter into such contract, then the Town may enter into such a contract. Any such contract executed without such unanimous vote shall be absolutely null and void.

(B) All contracts for the purchase of materials or for the furnishing of services authorized or permitted by this Charter shall be accomplished by competitive bidding and the awarding of contracts to the lowest responsible bidder who submits a responsive bid; provided, however, that competitive bidding shall not be required in any of the following circumstances:

(1) The aggregate amount involved is not more than Ten Thousand Dollars ($10,000.00);

(2) The purchase or contract is for personal or professional services;

(3) The purchase or contract is for any service rendered by a University, college or other educational institution;

(4) The purchase or contract is for any service to be rendered by the State of Delaware or any political subdivision;

(5) The purchase or contract is for property or services for which it is impracticable to obtain competition;

(6) The public exigency, as determined by the Town Council, will not permit the delay incident to advertising;

(7) The materials to be purchased are to be used to complete a project under the supervision of the Town;

(8) The purchase or contract is for property or services for which the Town Council determines the prices received after competitive bidding are unreasonable as to all or part of the requirements or not independently reached in open competition;

(9) A public emergency as determined by the Town Council exists.

(10) The purchase or contract is for property for which the distance involved or other factors in order to have maintenance performed, as determined by the Town Council, is unreasonable.

DUTIES OF THE MAYOR AND PRESIDENT OF COUNCIL

Section 15. (A) The Mayor shall be the President of the Town Council, shall preside at all meetings thereat, and shall vote on all matters brought before the Town Council for a vote.

For all purposes of voting required by this Act, the Mayor shall be a member of the Town Council. He shall appoint all committees, receive complaints of nuisances, and other complaints of citizens concerning violations of law and ordinances. He shall present a report of complaints and nuisances and violations of law and ordinances to the Town Council at the first regular meeting after receiving such complaints. The Mayor shall perform such other duties and have such other powers as the Town Council shall determine not in conflict with the provisions of this Charter.

(B) The Mayor may, for any reasonable cause, by and with the consent and upon the address of a majority of all the members of the Town Council, remove from office any person appointed by him or any of his predecessors. The person against whom the Council may be about to proceed shall receive five (5) days' written notice thereof, accompanied by a statement of the cause alleged for the removal and shall be accorded a full and fair hearing, if such a request is received by the Mayor by certified mail with return receipt requested within ten (10) days following the date that notice of removal is received by such person.

(C) The Mayor may appoint such other committees as he deems necessary for the proper administration of The Town of Dagsboro or the Council may, by resolution, authorize the Mayor to appoint certain committees which are deemed necessary to carry out the provisions of this Act.

(D) It shall be the duty of the Vice-Mayor of the Town Council, in the absence of or inability of the Mayor to act, to preside at all meetings of the Town Council and to perform such other duties and to have such other powers of the Mayor as are prescribed by the Charter of The Town of Dagsboro or by any ordinance of the Town Council.

SECRETARY

Section 16. (A) The Secretary shall have charge and custody of books, journals, records, papers and other effects of the Town and shall keep the same in a safe and secure place. He shall keep a full and complete record of all the transactions in The Town of Dagsboro. He shall be a voting member of all committees and shall keep a record of the transactions and proceedings of the same, together with such other duties as may be prescribed by this Charter or by ordinances or rule of the Town Council of The Town of Dagsboro. He shall file and keep in a safe place the seal of The Town of Dagsboro and all papers and documents arising out of the proceedings of the Town Council of The Town of Dagsboro relative to the affairs of the Town. He shall deliver the same to his successor in office. He shall attest the seal of The Town of Dagsboro when authorized by the Town Council and shall perform such other duties and have such other powers as may be prescribed by ordinance.

(B) All books, records and journals of The Town of Dagsboro in the custody of the Secretary may, in the presence of the Mayor, Vice-Mayor,

Secretary, Assistant Secretary, or any member of the Town Council of The Town of Dagsboro be inspected by any registered voter of the Town desiring legitimate information at any time, or times, as may be convenient and will not interfere with the regular routine of the business of the Town.

(C) All books, records, papers and documents in the custody of the Secretary shall be open for inspection by members of the Town Council of The Town of Dagsboro.

(D) Compensation, if any, of the Secretary for his duties, shall be determined by the Town Council.

ASSISTANT SECRETARY

Section 17. The duties and powers of the Secretary as hereinbefore prescribed shall devolve upon the Assistant Secretary in the absence or inability of the Secretary. The Assistant Secretary shall likewise perform such other duties and have such other powers as may be prescribed by Resolution to the Town Council of The Town of Dagsboro and shall receive such compensation as the Town Council by Resolution shall determine.

TOWN ADMINISTRATOR

Section 18. (A) The Mayor of The Town of Dagsboro, with the concurrence of a majority of all the elected members of the Town Council, may appoint a Town Administrator who shall be the Chief Administrative Officer of the Town at such compensation as shall be determined by the Town Council.

(B) The Town Council of The Town of Dagsboro shall impose such qualifications for Town Administrator as may be deemed necessary; provided, however, that no person holding the office of Mayor or Town Councilman shall be chosen to be Town Administrator during his term of office as Mayor or Councilman.

(C) The Town Administrator shall hold office for an indefinite term and may be removed by a majority vote of the Town Council of The Town of Dagsboro. At least thirty (30) days before such removal shall become effective, the Town Council shall, by a majority vote of all the elected members thereof, adopt a preliminary resolution stating the reasons for his removal. The Town Administrator may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days before nor later than thirty (30) days after the filing of such request. After such public hearing, if one be requested, and after full consideration, the Town Council, by a majority vote of all the elected members thereof, may adopt a final resolution of removal. By the preliminary resolution, the Town Council may suspend the Town Administrator from duty with or without pay but shall in any case cause to be paid him forthwith any unpaid balance of his salary.

(D) In case of the absence or disability of the Town Administrator, the Town Council may designate some qualified person to perform the duties of such office during his absence or disability. The compensation which the Town Administrator shall receive for the performance of his duties shall be fixed by the Town Council of The Town of Dagsboro.

(E) The Town Administrator shall be responsible to the Town Council of The Town of Dagsboro for the proper administration of the affairs of the Town placed in his charge and to that end, he shall have the power to make such appointments and to hire such employees at such compensations as are authorized by the Town Council, subject to such rules and regulations as may be adopted by the Town Council. All employees shall be hired for an indefinite term and may be suspended with or without pay by the Town Administrator at any time unless otherwise provided by resolution of Council and shall report all such suspensions to the Town Council at the next meeting of such Town Council whenever such meeting be a regular meeting or a special meeting. The Town Council of The Town of Dagsboro shall sit as a Board of Appeal for the protection of Town employees at those times when the majority of all the Town Council are agreed that a review of the action of the Town Administrator would be in the best interest of The Town of Dagsboro. The decision of the Town Council in such case shall be final and conclusive.

(F) It is the intention of this Charter that, in the performance of his duties, and in the exercise of his powers, the Town Administrator shall not be influenced by any matters whatsoever of a political or fractional nature. It is the intention of this Charter that the Town Administrator shall be guided solely by matters of expedience and efficiency in the administration of the affairs of the Town placed in his charge. Except for purposes of inquiry, the Town Council shall deal with that portion of the administrative service for which the Town Administrator is responsible solely through the Town Administrator.

(G) It shall be the duty of the Town Administrator to supervise the administration of the affairs of the Town under his charge and to make such reports to the Town Council as are required by the Town Council. He shall make such recommendations to the Town Council concerning the affairs of the Town as may seem to him desirable. He shall keep the Town Council advised of the financial condition and future needs of the Town. He shall prepare and submit to the Town Council the annual budget estimate. He shall render to the Town Council at the regular monthly meeting of each and every month a true, accurate and detailed account of all moneys collected or received by him in the performance of his duties and shall promptly turn the same over to the Town Council.

(H) In conjunction with the Mayor of The Town of Dagsboro, he shall sign warrants pursuant to appropriations or resolutions theretofore made for the Town Council. He shall prepare and submit to the Town Council such reports as may be required by the Town Council. He shall perform such other duties as may be prescribed by this Charter or required of him by Ordinance or Resolution of the Town Council.

(I) The Town Administrator and such other officers of the Town as may be designated by vote of the Town Council shall be entitled to a seat in the meetings of the Town Council, but shall not vote therein.

(J) The Town Administrator shall have charge and supervision of the streets, gutters, curbs, sidewalks, parks and other administrative affairs of the Town and all work relating thereto. He shall have charge of and shall collect all taxes, assessments, rentals, license fees, or other charges due the Town. He shall have the charge of the administration of all provisions of this Charter and Ordinances and Resolutions of the Town Council relating to the affairs of the Town when not otherwise provided for by this Charter or by any Ordinance or Resolution of the Town Council. He shall by virtue of his office be the Town Treasurer.

(K) He shall keep a full and strict account of all moneys received and all disbursements made by him and such accounts shall, at all times, be open to inspection to the Town Council.

(L) He shall give to The Town of Dagsboro a bond, if required by the Town Council, in such sum and form and with such security satisfactory to the Town Council for the faithful performance of the duties of his office and the restoration to The Town of Dagsboro, in case of his death, resignation, or removal from office, all books, papers, vouchers, money and other property of whatever kind in his possession belonging to the Town.

(M) In the event of a vacancy in the office of the Town Administrator for any reason or reasons whatsoever, the duly appointed and qualified successor to that office shall succeed to all the rights, privileges and powers theretofore reposed in his predecessor or predecessors in office in the same manner as though all acts, deeds and steps theretofore taken by any such predecessor or predecessors with respect to any matter or thing pertaining to said office had been taken or performed by the successor to such office.

(N) Upon the death, resignation, or removal from office of the Town Administrator, the Town Council shall appoint some suitable person, who may be an elected or appointed official of The Town of Dagsboro, to perform the duties of Town Administrator; provided, however, such person shall not serve for a period exceeding ninety (90) days from the date of his appointment.

TOWN SOLICITOR

Section 19. The Mayor of The Town of Dagsboro, with the advice and consent of a majority of the elected members of the Town Council, may select and appoint a Town Solicitor for an indefinite term who shall be removable at the pleasure of the Town Council of The Town of Dagsboro either with or without due cause stated. The Town Solicitor shall be a member in good standing of the Bar of the State of Delaware, with offices in Sussex County. It shall be his duty to give legal advice to the Town Council and other officers of the Town and to perform other legal services as may be required of him by the Town Council.

BOARD OF HEALTH

Section 20. (A) The Board of Health may consist of four (4) members, one of whom shall be a practicing physician. The Board shall be appointed by the Mayor of The Town of Dagsboro with the advice and consent of a majority of the elected members of the Town Council at the annual meeting hereinbefore provided, and shall serve for one (1) year or until their successors are duly appointed and qualified. The Board of Health shall have cognizance of an interest in the life and health of the people of the Town. The Board shall report to the Town Council in writing whatever is deemed by the Board to be injurious to the health of the people of the Town and shall make recommendations to the Town Council concerning whatever may contribute to the health and sanitation of the citizens of The Town of Dagsboro. The Board shall organize by the election of a Chairman and Secretary within ten (10) days after notice of their appointment and shall keep a record of their proceedings and acts. The Secretary shall be the executive officer of the Board.

(B) The Secretary of the Board may be allowed a reasonable annual compensation for his services, which shall be determined by the Town Council and no other compensation shall be paid to the Secretary for his services as such. The Secretary may or may not be a member of the Board of Health appointed by the Mayor, but he shall be a resident of The Town of Dagsboro.

(C) The Board of Health shall have the power to recommend the adoption of Ordinances relating to the health of the population of the Town or to prevent the introduction or spread of infections or contagious diseases or nuisances affecting the same and such Ordinances, when adopted by the Town Council, shall extend to an area outside the Town limits for a distance of one (1) mile.

POLICE FORCE

Section 21. (A) The Town Council shall, from time to time, make such rules and regulations as may be necessary for the organization, government and control of the police force. The police force shall preserve peace and order and shall compel obedience within the Town limits to the Ordinances of the Town and the laws of the State of Delaware. The police force shall have such other duties as the Town Council shall, from time to time, prescribe. The Chief of Police shall be appointed by the Mayor at the Annual Meeting for a term of one (1) year or until his successor shall be appointed, by and with the advice and consent of a majority of all the elected members of the Town Council and at such compensation as shall be determined by the Town Council. All members of the police force shall be paid such compensation as shall be determined by the Town Council.

(B) Each member of the police force shall have police powers and shall be conservators of the peace throughout The Town of Dagsboro, and they shall suppress all acts of violence and enforce all laws relating to the safety of persons and property. They shall compel the enforcement of all laws enacted by the Town Council of The Town of Dagsboro. In the case of a pursuit of an offender, the power and authority of the police force shall extend outside the territorial limitations of The Town of Dagsboro.

(C) It shall be the duty of the police force to suppress riotous, disorderly or turbulent assemblages of persons in the streets of the Town or the noisy conduct of any person in the same, and upon the view of the above or upon view of the violation of any ordinance of the Town relating to peace and good order thereof, the police force shall have the right and power to arrest without warrant.

ANNUAL AUDIT

Section 22. At the Annual Meeting hereinbefore provided, the Mayor, with the advice and consent of a majority of the elected members of the Town Council, may appoint an accountant to be the auditor of accounts of The Town of Dagsboro. It shall be the duty of the auditor to audit the accounts of the Town and all its officers whose duty involves the collection, custody and payment of moneys to the Town. The auditor shall audit the books of the Alderman and the Assistant Alderman of The Town of Dagsboro, the records of all fines, penalties, costs imposed or collected by him pursuant to any judgment, order or decree made. The auditor shall, on or before the expiration of ninety (90) days from the end of the fiscal year, annually make and deliver a detailed report of any and all accounts, records, and books by them examined and audited which report under his hand and seal shall be printed in a newspaper having a general circulation in the Town in the issue immediately preceding the annual report. The auditor, in the performance of his duties, shall have access to all records and accounts of the offices of the Town Council and he is hereby authorized and empowered to employ such clerks as in his judgment may be necessary in the proper performance of his duties.

TAX ASSESSOR

Section 23. (A) The Mayor shall appoint a Tax Assessor with the advice and consent of a majority of all the elected members of the Town Council for an indefinite term.

(B) The Tax Assessor shall be sworn or affirmed by the Mayor of The Town of Dagsboro or by a Notary Public to perform his duties with fidelity and without favor. It shall be his duty to make a fair and impartial assessment of property and persons subject to taxation situate within the corporate limits of the Town and to perform such other duties and reference thereto as shall be prescribed from time to time by the Town Council of The Town of Dagsboro. Compensation to be by him received for the performance of his duties shall be fixed by and subject to the approval of the Town Council of The Town of Dagsboro.

(C) In making such assessment, the rules and exemptions now applicable by law to the making of the assessment for Sussex County of persons and property shall be applicable insofar as consistent with the provisions of this Charter. The Tax Assessor may adopt the assessment of Sussex County for any or all property located within the corporate limits of The Town of Dagsboro.

ASSESSMENT OF TAXES

Section 24. The Tax Assessor shall, within ninety (90) days prior to the beginning of the next fiscal year, make a just, true and impartial annual valuation of all real property and improvements located thereon within The Town of Dagsboro. All real estate shall be described with sufficient particularity to be identified. Real estate shall be assessed to the owner or owners if he or they be known. If the owner or owners of real estate cannot be found or ascertained, it shall be assessed to "Owner Unknown." A mistake in the name of the owner or owners or a wrong name or an assessment to "Owner Unknown," shall not affect the validity of the assessment of any municipal tax or assessment based thereon; provided, however, the assessment shall specify the last record owner or owners thereof as the same shall appear from the records in the Office of the Recorder of Deeds, in and for Sussex County. The Tax Assessor shall also make a personal assessment of all male and female citizens of the Town above the age of eighteen (18) years, whether an owner of real estate or not; said personal assessment shall be determined by the Town Council and certified to the Tax Assessor. Said personal assessment or per capita tax shall be in addition to the assessment levied on real estate owned or assessed by any person or persons whomsoever.

(A) The Tax Assessor, after making such annual assessment, shall, at least ninety (90) days prior to the end of the fiscal year, deliver to the Town Council of The Town of Dagsboro a list containing the names of all persons assessed and the amount of assessment against each. He shall also deliver at such time as many copies of said list as the Town Council shall direct.

(B) The annual assessment shall distinguish the real and personal assessment of each person and shall also be arranged so that the land, the improvements thereon, and the per capita assessment shall appear in separate columns or spaces. In making this assessment, the Tax Assessor shall make its valuation accordingly.

(C) The real property of the Tax Assessor shall be assessed by the Town Council of The Town of Dagsboro.

(D) Immediately upon receiving the annual assessment list from the Tax Assessor, the Town Council of The Town of Dagsboro shall cause a full and complete copy of the same, containing the amount assessed to each taxable to be hung in a public place in The Town of Dagsboro and there it shall remain for a period of at least ten (10) days for the information or an examination by all concerned. Appended thereto and also in five (5) or more public places in said Town shall be posted notices advertising to all concerned that, upon a certain day mentioned therein and not earlier than ten (10) days after the date of posting of the true and correct copy of the annual assessment list and notices, at the next regular meeting of the Town Council, the Town Council will hold a court of appeals at which time and place they shall hear appeals from the said annual assessment. The decision of the Town Council sitting as the Board of Appeals shall be final and conclusive and said Town Council shall revise and complete said assessment at this sitting. No member of the Town Council shall sit upon his own appeal but the same shall be heard and determined by the other Councilmen.

(E) The Tax Assessor shall be present on the day fixed for hearing appeals and shall furnish to the Town Council such information and answer such questions as the Town Council may require in respect to any assessment for which an appeal has been taken. The Town Council shall have the authority to enforce the attendance of the Tax Assessor by appropriate process.

LEVY OF ANNUAL TAXES, FEES AND OTHER CHARGES

Section 25. (A) At the first regular meeting in the last month of the fiscal year, after having revised and completed the assessment, the Town Council shall determine, in its best judgment and knowledge, the total amount necessary to be raised by the Town to meet the fixed and anticipated expenses and obligations of the Town, including reasonable and appropriate reserves, for the then current fiscal year as set forth in the Town Budget for such year plus a reasonable amount to cover anticipated expenses and emergencies.

(B) The Town Council should then proceed to determine, in its sole discretion, from which sources of the authorized revenues of the Town the amount so determined by them shall be raised and, within the limits prescribed by this Charter with respect to any such source, the amount to be raised from each such source. They shall then proceed to determine, assess, fix and/or levy as follows:

(1) The rate of tax on real estate including improvements thereon per One Hundred Dollars ($100.00) of the assessed value; and/or

(2) The amount of personal or per capita tax upon each citizen of the Town over the age of eighteen (18) years; and/or

(3) The rate of tax upon all poles, construction, erections, wires and appliances more particularly mentioned, or intended so to be in Section 29 of this Charter as amended; and/or

(4) The several license fees to be charged for carrying on or conducting of the several businesses, professions or occupations more particularly mentioned or intended so to be in Section 29 of this Charter, as amended; and/or

(5) The several rates to be charged for furnishing water service, sewer service, electric service, gas service, front footage assessment, other services authorized by Town Council; and/or

(6) Appropriate transfer taxes to be charged upon the transfer of real property, or any interest in real property, situate within the

corporate limits of the Town, provided however, that no tax levied under this section shall exceed one percent (1%) of the sales price (including the value of any assumed mortgage or mortgages) or fair market value of the real property so transferred; and provided further, that no tax shall be levied upon an organization exempted from ad valorem real estate taxes; and/or

(7) The fees or rates to be charged in respect to any other authorized source of revenue sufficient in their judgment and estimation to realize the amount to be raised from each such source determined by them to be used as aforesaid; provided, however, that sources (4), (5), (6) and (7) aforementioned may be determined, fixed, assessed, levied and/or altered or changed upon other than a fiscal year basis and at any regular or special meeting of the Town Council as the Town Council, in its proper discretion, shall determine.

(C) Immediately after the last regular meeting prior to the end of the fiscal year of each and every year, the Town Council shall make, or cause to be made, a full, true and correct Annual Tax List showing the amount of tax levied against each taxable thereon from sources (1), (2) and (3) above? mentioned. This list shall be known as the Annual Tax List of The Town of Dagsboro. In addition to the information contained in the assessment list, it shall also contain information as to the rate of tax upon real estate for each One Hundred Dollars ($100.00) of assessed valuation thereof.

(D) The Town Council shall cause to be delivered to the Town Clerk a duplicate of said Annual Tax List and the Tax Collector shall immediately proceed to collect the same as hereinafter provided.

(E) The total amount of money, to be raised by real property taxes (Section 25(b)(1)), utility fixture taxes (Section 25(b)(2)), and special taxes levied or imposed in connection with any municipal bond (Section 32(a)) shall in no year exceed twenty-five percent (25%) of the total assessed valuation of all taxable real estate and improvements thereon in the Town.

(F) Nothing contained in this Charter shall be construed to affect or impair in any way the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due The Town of Dagsboro under the existing laws in reference to said Town and the same are hereby declared to be valid, binding and vested in The Town of Dagsboro created hereby.

COLLECTION OF ANNUAL TAXES

Section 26. (A) The Tax Collector, as soon as the Town Council shall have placed in his hands a duplicate Annual Tax List, shall proceed at once to collect the taxes on said duplicate list.

(B) All taxes so laid or imposed by The Town of Dagsboro in such Annual Tax List shall be and constitute a lien upon all the real estate of the taxable for a period of ten (10) years against or upon whom such taxes are laid or imposed, of which such taxable was seized or possessed at any time after such taxes shall have been levied and imposed that is situate within The Town of Dagsboro. Such lien shall have preference and priority to all other liens on such real estate, as aforesaid, created or suffered by the said taxable, although such lien or liens be of a time and date prior to the time of the attaching of such lien for taxes.

(C) All taxes, when and as collected by the Tax Collector, shall be paid to The Town of Dagsboro, and all taxes shall be due and payable at and from the time of the delivery of the Annual Tax List to the Town Administrator.

(D) All taxes shall be payable at the Office of the Tax Collector during the regular business hours of that Office.

(E) On all taxes unpaid after thirty (30) days following the delivery of the duplicate Annual Tax List to the Tax Collector there shall be added a penalty of Five Percent (5%) for each month or fraction thereof such taxes shall remain unpaid and said penalty shall be collected in the same manner as the original amount of the tax. The Town Council shall have the

power to make just allowances for delinquencies in the collection of taxes. All taxes unpaid on such date as specified by ordinance shall be considered delinquent. In effecting a collection of delinquent tax, the Town Council may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax and any penalty imposed thereon.

(F) At the annual meeting of the Town Council of each year, the Tax Collector shall account to the Town Council for all taxes and sewer rentals collected by him during the year and shall be liable on his bond for failure to account for any uncollected taxes or sewer rentals unless he can show to the satisfaction of the Town Council that all remedies permitted for the collection of said taxes were pursued without result or, if not pursued, the remedies would have been without avail.

(G) The Tax Collector, when any tax has become delinquent, may, in the name of The Town of Dagsboro, institute suit before any Justice of the Peace or in the Court of Common Pleas of the State of Delaware, in and for Sussex County, or in the Superior Court of the State of Delaware, in and for Sussex County, for the recovery of the unpaid tax in an action of debt, and upon judgment obtained, may sue out writs of executions in case of other judgments recovered before a Justice of the Peace or in the Court of Common Pleas, or in the Superior Court, as the case may be.

(H) However, should the Tax Collector so elect, he is empowered to sell the lands and tenements of the delinquent taxpayer or the lands and tenements of a delinquent taxpayer alienated subsequent to the levy of the tax by the following procedure at the direction of the Town Council:

(1) The Tax Collector shall present in the name of The Town of Dagsboro to the Superior Court of the State of Delaware in and for Sussex County, a petition in which shall be stated:

(a) The name of the taxable;

(b) The year for which the tax was levied;

(c) The rate of tax;

(d) The total amount due;

(e) The date from which interest and the penalty for nonpayment shall commence and the rate of such interest and penalty and any collection charge permitted;

(f) A reasonable, precise description of the lands and tenements proposed to be sold;

(g) A statement that the bill of said tax has been mailed to the taxable at his last known post office address with return receipt requested by certified mail and postage prepaid.

(h) That it has been found impracticable to attempt to collect the said tax by any other remedy hereinbefore provided. The petition shall be signed by the Secretary of Town Council and shall be verified before a Notary Public.

(2) At least ten (10) days prior to the filing of any such petition as described herein, the Secretary of Town Council shall deposit in the mail in a sealed and stamped envelope and addressed to the taxable at his last known address, requiring a registered receipt returnable, an itemized statement of the tax due, together with all interest, penalties, collection charges, and costs then due thereon, together with a notice to the delinquent taxpayer that he shall proceed to sell the lands and tenements of the taxpayer for the payment of the tax. The Secretary of Town Council shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that if the taxpayer cannot be found, it shall be sufficient for the Secretary of Town Council to file with said petition the evidence that such statement has been mailed in accordance with this Subsection and has been returned.

(3) Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for Sussex County, and shall endorse upon the said record of said petition the following: This petition, filed the day of , A.D. , and the Secretary of the Town Council of The Town of Dagsboro, is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the amount due." This endorsement shall be signed by the Prothonotary.

(4) Any sale of lands and tenements of a delinquent taxpayer shall be advertised in five (5) public places in The Town of Dagsboro, one of said public places shall be the Town Office and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in the Town. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least ten (10) days before the day fixed for the sale and the newspaper advertisement shall be published at least one (1) week before the day of the sale.

(5) Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for Sussex County, at the next term thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the sale. If the sale be approved, the Tax Collector making the sale shall make a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; if the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

(6) No sale shall be approved by the Superior Court if the owner be ready at court to pay the taxes, penalty, collection fees and costs. No deed shall be made until the expiration of one (1) year from the date of the sale within which time the owner, his heirs, executors, or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns, the costs, the amount of the purchase price, and twenty percent (20%) interest thereon and the expense of having the deed prepared.

(7) After satisfying the tax due and the costs of expense of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land. Upon the refusal of the said owner to accept said residue, or if the owner is unknown or cannot be found, the amount remaining shall be deposited in some bank in Sussex County, either to the credit of the owner or in a manner in which the fund may be identified.

(8) In the sale of lands for the payment of delinquent taxes, the following costs shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be:

(a) To the Prothonotary for filing and recording the petition;

(b) For filing and recording the return of sale;

(c) To the Tax Collector for preparing the Certificate; for making the sale of lands; for preparing and filing a return; for posting sale bills. In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands at the tax sale;

(d) Attorneys' fees.

(9) If the owner of any lands and tenements against which a tax shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale.

(10) If any person is assessed for several parcels land and tenements in the same assessment in The Town of Dagsboro, the total of said taxes may be collected from the sale of any part or portion of said lands and tenements, provided that the land alienated by the delinquent taxpayer shall not be sold until other property of the taxpayer shall have been disposed of and there still remains a delinquency.

(11) In the event of death, resignation or removal from office of the Tax Collector of The Town of Dagsboro before the proceedings for the sale of lands shall have been completed, his successor in office shall succeed to all of his powers, rights and duties in respect to said sale. In the event of the death of the purchaser of said sale prior to his receiving a deed for the property purchased thereat, the person having right under him by consent, devise, assignment or otherwise, may refer to the Superior Court of the State of Delaware, in and for Sussex County, a petition representing the facts and praying for an order authorizing and requiring the Tax Collector to execute and acknowledge a deed conveying to the petitioner the premises so sold or a just portion thereof; and thereupon the court may make such order touching the conveyance of the premises as shall be according to justice and equity.

(12) The Tax Collector shall have the same right to require the aid or assistance of any person or persons in the performance of his duty of sale which the Sheriff of Sussex County now has by law or may hereafter have.

(a) In addition to all other remedies, methods and authorities for the collection of taxes, the Tax Collector may use the monition method for the collection of such taxes and authority is hereby established for him to do so.

(I) The Tax Collector may file a praecipe in the Office of the Prothonotary, in and for Sussex County.

(1) The praecipe so filed shall contain the following information:

(2) The name of the taxpayer or taxpayers against whom the taxes sought to be collected were assessed;

(a) The amount of taxes due and the year or years for which such taxes are due and payable;

(b) The description of the property sufficient to identify it;

(d) The date from which the penalty and interest accrues and the percentage of such penalty and interest and the amount due as of the date of the filing of the praecipe;

(e) Any collection charge shown as a percentage of the tax and penalty and the amount due as of the date of the filing of the praecipe.

(3) Following the filing of the praecipe, the Prothonotary shall make a record of the same on a special judgment docket of the Superior Court against the taxpayer or taxpayers named in such praecipe which record shall consist of the following information:

(a) The name of the taxpayer or taxpayers in whose name the assessment was made;

(b) The description of the property sufficient to identify it;

(c) The year or years for which such taxes are due and payable;

(d) The date of the filing of the praecipe;

(e) The amount of the judgment being the total amount of taxes due, the total amount of all interest and penalties, and the amount of any collection charges;

(f) The judgment shall be indexed in the judgment docket in the name of The Town of Dagsboro and in the name of the taxpayer or taxpayers, as the case may be;

(g) Thereupon, a monition shall be issued by the Prothonotary to the Sheriff of Sussex County, which monition shall state the amount of the judgment for the taxes, penalty, interest and collection charges, together with a description of the property sufficient to identify it;

(h) The monition shall be in substantially the following form: To all persons having or claiming to have any title, interest or lien upon the within described premises, take warning that unless the judgment for the taxes or assessment stated herein is paid within twenty (20) days after the date hereof or within such period of twenty (20) days, evidence of the payment of the taxes, penalties, interest and collection charges herein claimed shall be filed in the Office of the Prothonotary, in and for Sussex County, which evidence shall be in the form of a receipted tax bill or duplicate thereof, bearing date prior to the filing of the lien in the Office of the Prothonotary, in and for Sussex County, the Tax Collector of The Town of Dagsboro may proceed to sell the property herein mentioned for the purpose of collecting the judgment for taxes, assessments, penalties, interest, collection charges herein stated.

Name of Taxpayer Taxpayers	Description of Property	Year or Years	Amount of Judgment

(i) The monition or a copy thereof shall be posted by the Sheriff of Sussex County upon some prominent place or part of the property against which the judgment for the taxes or assessments are a lien and the Sheriff of Sussex County shall make a due and proper return of his proceedings under the monition to the Prothonotary, in and for Sussex County within ten (10) days after the posting of the monition. Alias or pluries monition may issue upon like praecipe. The posting of the notice by the Sheriff of Sussex County as herein required shall constitute notice to the taxpayer or taxpayers and to all other persons having any interest in the property.

(j) At any time after the expiration of twenty (20) days next following the return of the Sheriff of Sussex County upon the monition, unless before the expiration of twenty (20) days, the judgment and all costs on the judgment have been paid or evidence of the payment of such taxes, penalties and collection charges evidenced by a receipted bill or a duplicate thereof bearing date thereof prior to the filing of the lien for record in the Office of the Prothonotary, in and for Sussex County, directed to the Sheriff of Sussex County to sell the property mentioned or described in the writ and make due return of his proceedings thereunder in the same manner as is applicable to similar writs of venditioni exponas issued out of the Superior Court of the State of Delaware, in and for Sussex County. The property shall be described in the writ under the description thereof as it appears on the assessment records and by metes and bounds where obtainable, but nothing herein contained shall be construed to invalidate a writ or a sale pursuant thereto containing only the description as it appears on the assessment rolls or a writ bearing only a description by metes and bounds.

(k) The writ shall be in substantially the following form: SUSSEX COUNTY, SS

THE STATE OF DELAWARE

TO THE SHERIFF OF SUSSEX COUNTY,

GREETINGS·

WHEREAS, by a Monition issued out of the Superior Court dated at Georgetown, the day of , A.D. , IT WAS COMMANDED that you should post the said Monition or copy thereof upon the real estate therein mentioned and described, and make a return to said Superior Court within ten (10) days after said posting. That on the day of , A.D. , you returned that a copy of said Monition was posted on the real estate therein mentioned and described on the day of ,A.D.

We therefore now command you to expose to public sale the real estate mentioned and described in said Monition as follows: and that you should cause to be made as well a certain debt of Dollars, lawful money of the United States, which to the Tax Collector of The Town of Dagsboro is due and owing as also the sum of Dollars, lawful money, as aforesaid, for his costs which he has sustained by the detaining of that debt, whereof the said was convicted as it appears of record and against which said property it is a lien.

And have you the money before the Judges of the Superior Court of the State of Delaware, in and for Sussex County, at Georgetown on Monday, the day of , to render to the Tax Collector of The Town of Dagsboro, as aforesaid, for the debt and costs, as aforesaid, and this writ.

WITNESSETH, The Honorable at Georgetown, the day of , A.D. 19 .

, Prothonotary

Issued:

(1) The description contained in such Monition shall be a sufficient description of the real estate to be sold under such writ.

(4) Any real estate or interest therein sold under these provisions authorizing the use of the monition method shall vest in the purchaser all the right, title and interest of the taxpayer in whose name the property was assessed and/or all right, title and interest of all taxpayers who are the owners thereof, and likewise fired and discharged from any liens and encumbrances, dower or curtesy or statutory right, in the nature of a dower or curtesy, whether absolute or inchoate.

(5) If the owner of the property or his legal representatives fail to redeem the property as provided for in this Section, the purchaser of the property or his legal representatives, successors or assigns, may present a petition to the Superior Court of the State of Delaware, in and for Sussex County, setting forth the appropriate facts in conformity with these provisions authorizing the monition method and pray that the Superior Court of the State of Delaware, in and for Sussex County, make an Order directing the Sheriff, then in office, to execute, acknowledge and deliver a deed conveying the title to the property to the petitioner; and thereupon the Superior Court of the State of Delaware, in and for Sussex County, shall have the power, after a hearing upon the petition, to issue an Order directing the Sheriff to execute, acknowledge and deliver a deed as prayed for in the petition. A description of the property as the same shall appear upon the assessment rolls and a description by metes and bounds, where obtainable, shall be a sufficient description in any such deed.

(6) The owner of any such real estate sold under the monition method or his legal representatives, may redeem the same at any time within sixty (60) days from the date the sale thereof is approved by the Court, by paying to the purchaser or his legal representatives, successors or assigns, the amount of the purchase price and fifteen percent (15%) in addition thereto, together with all costs incurred in the cause; or if the purchaser or his legal representative, successors or assigns, refuse to receive the same, or do not reside or cannot be found within Sussex County, by paying the amount into the Court for the use of the purchase, his legal representatives or assigns.

(7) If the owner of any real estate sold under an order of sale or his legal representatives redeems the real estate, he may present to the Superior Court of the State of Delaware, in and for Sussex County, a petition setting forth the facts and thereupon the Superior Court of the State of Delaware, in and for Sussex County, after hearing and determining the facts set forth in the petition, shall have the power to cause to be entered upon the record of the judgment, under which the real estate was sold, a memorandum that the real estate described in the proceedings upon which the judgment was entered has been redeemed. Thereafter, the owner shall hold such redeemed real estate subject to the same liens and in the same order of priority as they existed at the time of the sale thereof, excepting so far as the liens have been discharged or reduced by the application of the proceeds by the Sheriff from the sale.

(8) Upon the return of the proceedings under a writ of venditioni exponas, the Superior Court of the State of Delaware, in and for Sussex County, may inquire into the regularity of the proceedings thereunder, and either approve the sale or set it aside.

(9) No proceeding shall be brought by the Tax Collector of The Town of Dagsboro under the monition method unless the tax or assessments sought to be collected hereunder shall at the time of the praecipe in the Office of the Prothonotary, in and for Sussex County, be and constitute a lien upon the property against which the tax or assessment was assessed or laid.

(10) Whenever the Superior Court of the State of Delaware, in and for Sussex County, is mentioned in this Section authorizing the monition method, the same shall be held to embrace the Judges or any Judge thereof, and any act required or authorized to be done may be done by the Superior Court of the State of Delaware, in and for Sussex County, or any Judge of the Superior Court of the State of Delaware in vacation thereof, as well as in term time.

(11) Fees and costs to be taxed in all proceedings pursuant to the use of the monition method, where not otherwise provided for, shall be provided by the Office of the Prothonotary and the Office of the Sheriff of Sussex County:

(a) The following fees shall be charged by the Prothonotary:

Filing praecipe

Issuing monition and copy

Issuing alias or pluries, monition and copy

Writ of venditioni exponas

Filing any petition in the Superior Court

Costs of paying money in the Superior Court

Costs of paying money out of Superior Court for each check drawn

(b) The following fees shall be charged by the Sheriff:

Posting monition or copy thereof

Posting each alias or pluries, monition or copy thereof

(c) The following fees shall be charged by the Tax Collector of The Town of Dagsboro:

For preparing description by metes and bounds of liened property

(12) All of the charges not covered by these provisions shall be the same as are provided by law.

TOWN BUDGET

Section 27. (A) The fiscal year for The Town of Dagsboro shall be as determined by Resolution of the Town Council.

(B) Annually each year and not later than sixty (60) days prior to the beginning of the next fiscal year, the Treasurer of The Town of Dagsboro shall prepare a rough draft of the Town Budget. From this rough draft, the Town Council shall, not later than the regular meeting following the presentation of the rough draft prepared of the Town Budget containing the financial plan for conducting the affairs of the Town for the ensuing fiscal year, adopt the budget.

(C) The budget shall contain the following information:

(1) An estimate showing the expenses for conducting the affairs of the Town for the ensuing fiscal year;

(2) The value of supplies and materials on hand, together with the nature and kind of machinery or other implements and the condition thereof;

(3) The amount of the debt of the Town, together with the schedule of maturities of bond issues;

(4) An itemized statement of all other estimated expenses to be incurred in the affairs of the Town for the ensuing fiscal year;

(5) A statement of the amount required for interest on the bonded debt, the amount necessary to pay any bond maturing during the year and the amount required for the "Sinking Fund" or "Sinking Funds";

(6) An estimate of the amount of money to be received from taxes, water rents, sewer service charges, front footage assessments, license fees and all other anticipated income of the Town from any source or sources whatsoever.

(D) The Town Council shall, so far as possible, adhere to the budget so adopted in the making of appropriations.

ENUMERATION OF POWERS

Section 28. Not by way of limitation upon the power vested in the Town Council of The Town of Dagsboro to exercise all powers delegated by this Charter to the municipal corporation or to the Town Council except as may expressly appear herein to the contrary, but, rather by way of enumeration and for purposes of clarity, the Town Council is vested by the Charter with the following powers, to be exercised by the Town Council in the interest of good government and the safety, health and public welfare of the Town, its inhabitants and affairs, that is to say:

(A) To prevent vice, drunkenness and immorality.

(B) To provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.

(C) To prohibit all gaming and fraudulent devices.

(D) To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games.

(E) To ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, page, gravel, shell, improve, dredge, erect, remove, repair or replace any new or present street, highway, lane, alley water course, park, lake, crosswalk, sewer, drain, aqueduct, or pipeline or portion thereof, or any new or present sidewalk, curb or gutter or portion thereof in the Town; to specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done; to enter into contracts or agreement for the doing thereof, including contracts or agreements with the State of

Delaware for the permanent maintenance, repair and upkeep of the street, lane, alley, roadway or other public thoroughfare within the Town.

(F) To regulate or control the observance of the Sabbath Day.

(G) To establish and regulate pounds and to restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large, and to authorize the destruction of the same.

(H) To locate, regulate, license, restrain or require the removal of slaughter houses, wash houses, laundries, canning establishments, phosphate, fish, fertilizer and manure plants or establishments, swine pens, privies, water closets in any businesses or buildings or conditions detrimental to the public health or constituting a public nuisance or of an offensive or a noxious nature.

(I) To enforce the removal of ice, snow or dirt or other foreign substance from sidewalks and gutters by owners or abutting owners.

(J) To prohibit, remove or regulate the erection of any stoop, step, platform, bay window, cellar, gate, area, descent, sign, post or any other erection or projection in, over, upon or under any street, highway, alley, lane, water course, park, lake, sidewalk, crosswalk, sewer, drain, aqueduct or pipeline of the Town.

(K) To define, prevent, abate or remove nuisances, obstructions or any other condition detrimental to the public safety, health or welfare.

(L) To provide an ample supply of pure water for the Town and its inhabitants and to this end to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property or rights used in or about the collection, storage, purification, conveyance, or distribution or sale of water; to regulate and prescribe for what public or private purposes the water furnished by The Town of Dagsboro may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury, or damage to or interference with the water system or the equipment of the Town; to furnish or refuse to furnish water from the Town system to places and properties outside the Town limits; and to contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the municipality itself.

(M) To provide, construct, extend, maintain, manage and control a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town; to regulate and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for any willful or negligent injury or damage to, or interference with, the said system, plan or facilities. To furnish or refuse to furnish sewer disposal service from the Town system to places and properties outside the Town limits. In the interest of the public's health, to compel any and all properties in the Town to be connected to the sewer system of the Town; and to contract for and purchase sewer disposal service and to resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the Town itself.

(N) To provide, construct, extend, maintain, manage and control the plant and system, or plants and systems, for the generating, manufacturing and distributing of electric current or gas, or both, to the inhabitants of the Town and for lighting the streets, highways, lanes, alleys, water courses, parks, lakes, strands, sidewalks, crosswalks, wharfs, docks, public buildings or other public places in the Town and to this end, to acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of transmission and distribution lines, pipes, mains and other conveyances for any such current or gas as may be necessarily proper to light the Town, and to furnish proper connections for electric current and gas to the properties of the inhabitants of the Town

who may desire the same; to regulate and prescribe for what private or public purposes the current or gas furnished by the Town may be used, the manner of it use, the amount to be paid by the users thereof, the means whereby such amounts are to be collected and the fines or penalties, or both, for any willful or negligent injury or damage to or interference with the electric or gas system or systems of the Town; to furnish or refuse to furnish electric current or gas from the Town's system or systems to places and properties outside the Town limits; and to contract for and purchase electric current or gas and distribute the same to users within or without the Town with the same full powers as though such current or gas had been initially reduced to usefulness by the Town itself.

(O) To fully control within the Town the drainage of all water and to that end to alter or change the course and direction of any natural water course, runs and rivulet within the Town, to regulate, maintain, clean and keep the same open, cleaned and unobstructed, and to provide, construct, extend and maintain, manage and control a surface water drainage system and facilities for the health, sanitation and convenience of the inhabitants of the Town.

(P) To provide, construct, extend, maintain, manage and control embankments, or fills for the preservation of any high land within the limits of the Town and contiguous thereto to the end that the same may be preserved, properly protected and that the general public might enjoy the use thereof.

(Q) To grant franchises or licenses to any responsible person, firm, association or corporation for such period of time, upon such terms, restrictions, stipulations and conditions and for such consideration of the Town Council shall deem in the best interest of the municipality, to use the present and future streets, highway, lanes, alleys, water courses, parks, lakes, sidewalks, crosswalks, and other public places of the Town for the purpose of furnishing heat, light, power, gas, water, sewer, drainage, electric current, telephone, telegraph, television, railroad (excepting railroads or railways engaged in Interstate Commerce), bus, taxi or other transportation, carrier or public service to the Town, unto the persons, firms or corporations residing or located therein and for the purpose of transmitting the same from or through the Town to points outside the limits thereof, and for the purpose of vending any article of merchandise or service upon or from any vehicle upon any present and future street, highway, lane, alley, etc.; provided that no exclusive franchise or license shall be granted for any such purpose to any person, firm, association or corporation whomsoever.

(R) To regulate and control the exercise of any license or franchise mentioned in Section 29 of this Charter, or intended so to be.

(S) To direct, regulate and control the planning, rearing, treatment and preserving of ornamental shade trees in the streets, avenues, highway, parks and grounds of the Town and to authorize or prohibit the removal or destruction of said trees.

(T) To direct the digging down, draining, fill up, cleaning, cutting or fencing of lots, tracts, pieces or parcels of ground in the Town which may be deemed dangerous or unwholesome or necessary to carry out any improvements authorized by this Charter.

(U) To provide for or regulate the numbering of houses and lots on the streets and the naming of streets and avenues.

(V) To regulate, control or prevent the use or storage of gun powder, fireworks, tar, pitch, resin, and all other combustible materials and the use of candles, lamps, and other lights in stores, shops, stables and other places; to suppress, remove or secure any fireplace, stove, chimney, oven, broiler, or other apparatus which may be dangerous in causing fires.

(W) For the prevention of fire and the preservation of the beauty of the Town, to regulate and control the manner of building or removal of dwelling houses and other buildings; to establish a Code for the same and to provide for the granting of permits for the same; to establish a building line for buildings to be erected; to zone or district the Town and make particular provisions for particular zones or districts with regard to

building or building material; and, generally, to exercise all powers and authorities vested in the legislative body of cities and incorporated towns under and by virtue of Chapter 3, Title 22, Del. C. of 1974, and all amendments heretofore or hereafter adopted.

(X) To acquire, build, erect and maintain a suitable place as a lock-up or jail for the Town which shall be used as a place of detention for persons convicted of violations of law or ordinance, or for detention of persons accused of violations of law or ordinances, for a reasonable time in cases of necessity prior to hearing and trial; and to provide for the restraint, support and employment of paupers, beggars and vagrants; provided that any correctional institution located in Sussex County may be used for any such purpose.

(Y) To acquire, build, erect and maintain buildings and facilities necessary or required for housing and equipping the offices of the Town.

(Z) To regulate or prevent the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other devices for discharging missiles which may cause bodily injury or injury or harm to property; and to regulate or prevent the use of fireworks, bombs and detonating works of all kinds.

(AA) To provide for the punishment of a violation of any ordinance of the Town by fine or imprisonment, or both, not exceeding Five Hundred Dollars ($500.00) or sixty (60) days or both.

(BB) To provide for the organization of a fire department, ambulance, rescue or paramedic services, and the control and government thereof; to establish fire limits and to do all things necessary for the prevention or extinguishment of fires; and, at the discretion of the Town Council, to contribute, donate or give an amount or amounts not to exceed in the total during any fiscal year three percent (3%) of the total taxes levied on real estate unto any volunteer fire company or companies, ambulance, rescue, or paramedic services incorporated under the laws of the State of Delaware, or any volunteer fire association or, associations, or ambulance, rescue or paramedic services maintaining and operating fire fighting, ambulance, rescue, or paramedic equipment and service to the Town; provided that any such contribution, donation or gift may be made subject to such conditions and stipulations as to the use thereof as the Town Council shall deem advisable.

(CC) To purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, charge growing out of the abatement of nuisances and the like, laying out and repairing sidewalks, curbs or gutters, or other charges due the Town and to sell the same.

(DD) To raise revenue by levying and collecting taxes for any and all municipal purposes upon all real estate and improvements located thereon, taxes on business activities, special assessments, licensing fees and other charges for services.

(EE) To levy and collect a personal or per capita tax upon all persons resident within the corporate limits of The Town of Dagsboro to be used for any and all municipal purposes.

(FF) To levy and collect taxes upon all telephone, telegraph, power poles pipelines, rail lines or other constructions or erections of a like character, erected within the limits of the Town, together with the wire or other appliances thereto or therein attached; expressly excepting all telephone, telegraph, power lines or poles and rail lines owned or operated by any railroad or railway company engaged in Interstate Commerce for any and all purposes and to this end may at any time direct the same to be included in or added to the Town assessment. In case the owner or lessee or such constructions or erections, wires or other appliances shall refuse or neglect to pay the taxes levied thereon, in addition to the remedies provided for the collection thereof set forth in Section 26 of this Charter, the Town Council shall have the authority to cause the same to be removed.

(GG) To license, tax and collect fees annually for any and all municipal purposes (including the cost and expense of advertising the Town) of such various amounts as the Town Council from time to time shall fix from any individual, firm, association or corporation carrying on or practicing any business, profession or occupation within the limits of the Town; provided, however, that nothing contained herein shall be so construed as to make it mandatory upon any resident of the State to apply for a license in order to sell in the Town any farm produce or products grown upon a farm owned by the vendor or any member of his family with whom he resides.

(HH) To determine from which authorized source and in what proportion taxes shall be levied and used each year to raise the revenue or funds required to meet the general expenses of the Town and all funding, amortization and interest requirements on its outstanding bonds or other indebtedness.

(II) To provide for the collection of and disbursement of all moneys to which the Town may become entitled by law, including licenses and fines where no provision for the collection and disbursement thereof is otherwise provided in this Charter.

(JJ) To borrow money in the name of the Town for any proper municipal purpose and in order to secure the payment of the same to issue bonds or other forms or kinds of certificate or certificates of indebtedness, pledging the full faith and credit of the Town or such other security or securities as the Town Council shall select for the payment of the principal thereof and the interest due thereon, all of which bonds or other kinds or forms of certificates of indebtedness issued by the Town shall be exempt from all state, county or municipal taxes.

(KK) To acquire, and/or to vacate the use of lands, tenements, personal property, easements, rights of way, or any interest in property, either within or without the limits of the Town, by way of condemnation and eminent domain for any proper and lawful municipal purpose or whenever required properly to carry out, exercise or fulfill any power conferred upon or delegated to The Town of Dagsboro by this Charter. Proceedings by way of condemnation in any case shall be as prescribed in Chapter 61, Title 10, Del. C. of 1974, as heretofore or hereafter amended.

(LL) To appropriate money to pay the debts liabilities and expenditures of the Town, or any part or item thereof, from any fund applicable thereat, and to transfer temporarily money from one fund to another fund of the Town in case of emergency.

(MM) To provide for the payment of any tax, fine, penalty, license, forfeiture, assessment, fee, charge, or other amount due the Town by the performance of labor or service of the Town by any person owing the same.

(NN) To inquire into and investigate the conduct of any officer, agent or officer of the Town or any municipal affair and for such purpose or purposes may subpoena witnesses, administer oaths or affirmations, and compel the attendance of witnesses and the production of books, papers, or other evidence by subpoena.

(OO) To establish by ordinance duly adopted pursuant to this Charter a Pension Plan or a Health and Welfare Plan, or both, for the employees of the Town under such terms and conditions as the Town Council, in its discretion, may deem most appropriate, provided, however, that any annual appropriation which is made by the Town Council under any such Pension Plan or any Health and Welfare Plan, or both, shall not exceed a maximum of fifteen percent (15%) of the total annual payroll of the Town; and provided further, that the method of funding may, if deemed desirable by the Town Council, be accomplished through an insurance company licensed by the State of Delaware or authorized to do business in this State and approved by a majority of the elected members of the Town Council.

(PP) To borrow money in anticipation of revenues on the full faith and credit of The Town of Dagsboro a sum or sums not exceeding One Hundred Thousand Dollars ($100,000.00) in any one year when, in the opinion of a majority of the Town Council of The Town of Dagsboro, the needs of the Town require it. Any sum so borrowed shall be secured by promissory notes of

The Town of Dagsboro, duly authorized by Resolution adopted by the Town Council of The Town of Dagsboro, and signed by the Mayor of The Town of Dagsboro and attested by the Secretary of the Town Council with the corporate seal affixed, and no officer or member of the Town Council shall be liable for the payments of such notes because it is signed by them as officers of the Town and is authorized by the Resolution of the Town Council; provided, however, that the total sum outstanding at any one time shall not exceed One Hundred Thousand Dollars ($100,000.00); and provided further, that any sum of money so borrowed, as aforesaid, in any fiscal year, shall be paid from the general fund of the Town and shall be completely repaid at any time, but must be completely paid at the end of ten (10) fiscal years following the first fiscal year when said sum or sums were borrowed, with interest thereon; and provided that such ad valorem taxes shall be levied as are required without regard to any other limitation concerning the maximum rate of taxation and such notes and the interest thereon shall be exempt from all taxation by the State of Delaware or by any political subdivision, agency or subdivision thereof.

(QQ) To have and use a corporate seal which may be altered, changed, or renewed at any time.

(RR) To hold and acquire by gift, negotiation and purchase, devise, lease, or condemnation property both real (improved or unimproved) and personal, or mixed, within or without the boundaries of the Town, in fee simple or lesser estate or interest, necessary or desirable for any municipal or public purpose, including but not limited to providing sites for constructing, improving, extending, altering or demolishing:

(1) public buildings;

(2) parks;

(3) streets, squares, lanes, alleys;

(4) sewer systems, including but not limited to sewage lines, conduits, sewage disposal or treatment plants, and all appurtenances thereto;

(5) water systems, including but not limited to, water plants, wells, lines, conduits and all appurtenances thereto;

(6) recreational facilities, including but not limited to public bathing beaches, gymnasiums, athletic fields, bicycle paths, tennis, basketball, or paddle ball courts and all appurtenances thereto;

(7) adequate municipal services for persons and other legal entities residing either within or beyond the corporate limits of the Town, to their mutual benefit and advantage, upon such terms, charges, and conditions as the Town Council may determine and approve;

(8) slum clearance and redevelopment, urban renewal, revitalization or rehabilitation of blighted areas or removal of dangerous buildings;

(9) protection services for the citizens of the Town to include, but not limited to, police, fire, rescue and paramedic support.

(SS) To sell, grant, alienate, lease mortgage, manage, hold and control such property as the interests of the Town may require except as prohibited by the Constitution of Laws of the State of Delaware or as restricted by this Charter;

(TT) To pay for the acquisition, construction, improvement, repair, extension, alteration or demolition of any Town property (real, personal or mixed) from the general fund of the Town, from the proceeds of any bond issue which may be authorized and sold for any of the purposes for which lands and premises are authorized by this Charter to be acquired, and/or from the proceeds of any grant or loan made to the Town by any governmental entity of the United States or the State of Delaware where the proceeds of the grant or loan are for the purposes for which lands and premises are authorized by this Charter to be acquired;

(UU) To provide, construct, extend, maintain, manage and control groins, bulkheads, embankments, rip rap, piers or fills for the preservation of any waterway, beach, strand or high land within the corporate limits of the Town and contiguous thereto to the end that the same may be preserved and properly protected that the general public might enjoy the use thereof;

(VV) To prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games;

(WW). To regulate and control construction activities by private individuals or companies at such times and seasons of the year and at such hour of the day as the Town Council may determine necessary and appropriate for the public health, welfare and convenience.

(XX) To impose upon new development or construction or upon first-time occupancy of new construction such "impact fees" as are reasonably calculated to recover the cost of installing, enlarging, improving or expanding public or municipal improvements which have a rational nexus to such new construction;

(YY) To make, adopt and establish all such ordinances, regulations, rules and by-laws not contrary to the laws of the State and the United States as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any other law of the State relating generally to municipal corporations or which they may deem proper and necessary for the good government of the Town, the protection and preservation of persons and property, and of the public health and welfare of the Town and its inhabitants; provided, however, that any ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one (1) mile from said limits.

STREETS

Section 29. (A) The Town Council shall have the power and authority to lay out, locate and open new streets or to widen and alter existing streets or parts thereof and to vacate or abandon streets or parts thereof, whenever the Town Council shall deem it for the best interest of the Town.

(B) The procedure to be used for any of those things heretofore listed in this Section shall be as follows:

(1) Whenever five (5) or more property owners in a portion of the Town directly affected or abutting on the proposed street to be opened, laid out, changed, altered, widened, vacated or closed shall by written petition, with each signature duly acknowledged, request the Town Council to lay out, locate, or open a new street or to widen or alter any existing street or any part thereof or to vacate or abandon a street, or any part thereof, the Mayor of The Town of Dagsboro shall appoint a committee composed of not less than three (3) of the elected members of the Town Council to investigate the possibility of changing the structure of said streets in the Town. The petition presented to the Council by the property owners shall include a description of the property through which the proposed street shall be laid out or description of the street on which any of the other actions heretofore described shall take place and the reasons why the change in the structure of the streets of the Town should be undertaken; or the Town Council, by a majority vote of the elected members thereof, may, by resolution, propose that a committee composed of not less than three (3) of its elected members be appointed by the Mayor to investigate the possibility of changing the street structure of the Town.

(2) Not later than ninety (90) days following its appointment, the committee shall submit a report concerning its findings to the Mayor and the Town Council. The report shall contain the advantages and disadvantages to the Town caused by the changes of the street structure and shall contain the conclusion of said committee either recommending or disapproving the change of said street structure. If the report of the committee appointed by the Mayor recommends changing the existing street structure of The Town of Dagsboro, the Town Council, by Resolution, passed by a majority of the elected members of

the Town Council concurring therein, shall propose to the property owners and citizens of the Town that the Council proposes to change the street structure by opening a new street or by doing any of those things hereinbefore described to the existing street structure of the Town. If the report of the committee appointed by the Mayor is not in favor of changing the existing street structure of The Town of Dagsboro, the Resolution proposing the change in the street structure to the property owners and citizens of The Town of Dagsboro shall be passed by a majority of three-fourths (3/4) of the elected members of the Town Council. The Resolution shall contain a description of the proposed change and shall affix a time and place for a public hearing on the matter of changing the street structure. The Resolution adopted by the Town Council shall be printed in a newspaper having a general circulation in The Town of Dagsboro, or, in the discretion of the Town Council, the Resolution shall be posted in five (5) public places in the Town for at least one (1) week before the time set for the public hearing. The notice shall be published at least one (1) week prior to the date set for the said public hearing. The Resolution shall also state the hour and place where and when the Town Council shall sit to hear objections and to award just and reasonable compensation to anyone who will be deprived of property by the proposed change in the existing street structure of the Town.

(3) Whenever the Town Council shall have determined to locate or lay out or widen any street, lane or alley and shall have affixed compensation therefor, it shall be the duty of the Town Council immediately after the survey and location of said street, lane or alley, to notify by certified mail with return receipt requested and postage prepaid the owner or owners of the real estate through or over whom such street, lane or alley may run of their determination to open or widen the same and to furnish a general description or location thereof; also the amount of compensation or damages allowed to reach such property owner, and if such owner be not a resident of the Town, to notify the holder or tenant of said real estate and the owner of such property if his address be known; that there be no holder or tenant resident in said Town and the address of the owner be unknown or if there is a holder or tenant and the address of the owner is unknown, the said notice may be affixed to any part of the premises. If the owner be dissatisfied with the amount of compensation or damages allowed by the Town, as aforesaid, said property owner may, within ten (10) days after such notice, as aforesaid, was posted or mailed, appeal from written notice of assessment or compensation or damages by serving written notice by certified mail with return receipt requested and postage prepaid, on the Mayor of the Town to the effect that he or she is dissatisfied with the amount of such compensation or damages, and that it is his or her intention to make written application to one of the Judges of the Superior Court of the State of Delaware in and for Sussex County, for the appointment of a commission to hear and determine the matter in controversy; and in order to prosecute such appeal, such owner shall, within fifteen (15) days after serving said notice upon the Mayor as aforesaid, make written application to said Judge of the Superior Court of the State of Delaware, in and for Sussex County, for the appointment of such a commission; and thereupon the said Judge shall issue and appoint a commission directed to five (5) freeholders of said county, three (3) of whom shall be residents of The Town of Dagsboro, and two (2) of whom shall be non-residents of said Town, requiring them to assess the damages which the owner of real estate through or over which the said street, lane or alley shall pass or who shall have suffered damage because of any other action taken by the Town pursuant to the provisions hereof and who shall have notified the said Town Council of their intention to appeal may incur by reason thereof and to make a return of their proceeding to the said Judge at the time therein appointed.

(4) The freeholders named in such commission, being first duly sworn or affirmed, shall view the premises and may, or a majority of them, shall assess the damages, as aforesaid, and shall make return in writing of their proceedings to the said Judge who shall deliver and return to the Town Council their return which shall be final and conclusive. The said Judge shall have the power to fill any vacancy in the commission. The amount of damages being so ascertained, the Town Council may pay or tender the same to the person or persons entitled thereto within thirty (30) days after the same shall be finally ascertained or if the person or persons so entitled reside out of or are absent from the Town during the said period of thirty (30) days, then the same shall be deposited to his or her credit in any bank or trust company with offices, in Sussex County, Delaware, within said time and thereupon the said property or lands may be taken or occupied for the use as aforesaid.

(5) If the ascertainment and assessment of damages by the freeholders appointed by the Judge, as aforesaid, shall be increased, the cost of the appeal shall be paid by the Town out of any money in the hands of the Treasurer of The Town of Dagsboro belonging to the Town, but if said damages shall not be increased, the cost of the appeal shall be paid by the party appealing. The said freeholder members of the commission shall receive and be entitled for each day's actual service or of any part of a day the sum of Five Dollars ($5.00). After the damage shall be fixed and ascertained by the freeholders, the Town Council shall have the option to pay the damages assessed within the time aforesaid, and to proceed with the said improvements or, upon the payment of the costs only, may abandon the proposed improvements. In the event that either party feels that the damages assessed are not just as being excessive or inadequate, an appeal may then be prosecuted at the Supreme Court of the State of Delaware.

(6) Whenever any street or part thereof vacated or abandoned under this Section be owned by the Town, the Town Council may, in its discretion, sell such land at public or private sale and for such consideration as the Town Council shall deem proper. The Town Council shall have the right and power to convey to the purchaser or purchasers thereof, a good and sufficient title thereto for whatever estate the Town may have therein.

(7) The Town Council shall have full power and authority (1) to regrade, redress and otherwise repair and rebuild all existing streets in the Town; and (2) to reconstruct, rebuild, repave and in any manner improve all existing streets now open or to be hereafter opened for public use in the Town.

(8) The Town Council, in exercising the authority granted by this Section, may use such materials and substances and such methods of construction and may employ such contractors, engineers, inspectors and other persons as the Town Council may deem necessary. To this end, the Town Council shall have full power and authority to enter into contracts or agreements with the State Highway Department of the State of Delaware for the permanent maintenance and repair of any street within the corporate limits of the Town.

CURBING AND PAVING

Section 30. (A) Whenever the Town Council shall have determined that any paving, graveling, curbing or any or all of them shall be done, it shall cause a notice to be sent to the owner or owners along or in front of whose premises the same is to be done, particularly designating the nature and character thereof and thereupon it shall be the duty of such owner or owners to cause such paving, graveling and/or curbing, or any of them, to be done in conformity with said notice. In the event any owner or owners neglect to comply with said notice for the space of thirty (30) days, the said Town Council may proceed to have the same done and when done, the Tax Collector shall, as soon as convenient thereafter, present to the owner or owners of such lands a bill showing expenses of such paving, graveling and curbing, or any of them. If such owner or owners be not resident in The Town of Dagsboro, such bills shall be sent by certified mail with postage prepaid or to such owner or owners directed to him, her or them at the last known address. If such bill be not paid by the owner or owners of such lands within sixty (60) days after the presentation thereof, as aforesaid, the Tax Collector shall proceed to collect the same in the same manner and under the same terms and conditions as are provided for the collection of delinquent taxes.

(B) Any notice sent to one co-owner shall be notice to all owners and in the case that no owners shall reside in said Town, notice served as set forth herein or posted upon the premises shall be sufficient.

(C) The provisions contained herein shall apply to any order made by the Town Council in respect to any pavement, sidewalk or curb heretofore made or done which the said Town Council may deem insufficient or need repairing.

SUBDIVISION AND LAND DEVELOPMENT

SECTION 31. (A) In order to provide for the orderly growth and development of the Town; to promote the health, safety, prosperity and general welfare of the present and future inhabitants and property owners in the Town; to insure the conservation of property values and natural resources, including the protection and beauty of the Town's open lands, water resources, beaches and recreational potential; and to afford adequate provisions for public

utilities, water supply, drainage, sanitation, vehicular access, educational and recreational facilities, parkland and open space, among other and related activities, the Town Council shall regulate the subdivision of all land in the Town. Such regulation may, through ordinance, include:

(1) procedures for insuring the processing of combining, partitioning, or land subdivision plans within a reasonable period of time, relative to the number of lots or parcels and the extent of improvement required;

(2) procedures for insuring that the arrangement of the lots or parcels of land or improvements thereon shall conform to the existing zoning at the time of recordation and that streets or rights-of-way bordering or within subdivided land shall be of such widths and grades and in such locations as may be deemed necessary to accommodate prospective traffic; that adequate easements of rights-of-way shall be provided for drainage and utilities; that reservations of areas designed for their use as public grounds shall be of suitable monuments and signage shall be required; that land which might constitute a menace to safety, health or general welfare shall be made safe for the purpose for which it is subdivided; and that adequate provision for water supply is made;

(3) procedures for encouraging and promoting flexibility and ingenuity in the layout and design of subdivisions and land development, and for encouraging practices which are in accordance with contemporary and evolving principles of site planning and development;

(4) requiring those persons subject to such regulation to provide, at their own expense, including verification, such municipal or public improvements which are specifically and uniquely attributable to the proposed land subdivision, combining, or partitioning, including by way of example and not in limitation, the paving of streets, installation of curbs, storm sewers, water lines, street signs, access roads, playgrounds, parks and open areas. In imposing such requirements, the Town Council may consider and take into account future as well as immediate needs, and potential as well as present population factors affecting the neighborhood in question;

(5) procedures for insuring that any improvements to be constructed on such lands are in compliance with all appropriate Town ordinances and that the placement and location of such improvements will not have a significant negative impact on adjoining properties;

(6) procedures for securing financial guarantees from the developers of such lands to insure satisfactory completion of all such required improvements, which may include extending the term of such guarantee for a reasonable period of time (not exceeding three (3) years) beyond the actual completion of such improvements by the developer or acceptance of such improvements by the Town Council.

(B) In the event an ordinance of the Town so provides, no plat, plot or plan of land shall be received for filling or recording by the Recorder of Deeds in and for Sussex County unless and until such plat, plot or plan shall have been approved by the Town body so authorized to grant such approvals and the fact of such approvals shall have been endorsed in writing on such plan documents.

COLLECTION OF CHARGES DUE THE TOWN

Section 32. (A) In the collection of any charges due the Town for water rentals, sewer service charges, electric bills, gas bills, license fees, tapping fees, front footage assessments, charges growing out of the abatement of nuisances, laying out and repairing paving, graveling, curbing, or any of them, any amount due the Town from a contract, such charges shall become a first lien against all real estate of the delinquent property owners and/or taxpayers situate within the Town and such charges shall have preference and priority for a period of ten (10) years from the date the charge became due and owing to all other liens on real estate created or suffered by the taxable and property owner, although such other lien or liens be of a date prior to the time for the attaching of such liens for such charges.

(B) The remedies available to the Tax Collector for the collection of such charges shall be the same as those set forth in this Charter for the collection of delinquent taxes.

POWER TO BORROW MONEY AND ISSUE BONDS

Section 33. (A) The Town Council may borrow money and issue bonds or certificates of indebtedness to secure the repayment thereof on the faith and credit of The Town of Dagsboro to provide funds for the erection, extension, enlargement, purchase or the repair of any plant, machinery, appliances, or equipment for the supply, or the manufacture and distribution of electricity or gas for light, heat or power purposes; for the furnishing of water to the public, for the construction, repair and improvements of highways, streets or lanes or the paving, curbing or erection of gutters and curbs along the same; for the purchase of real estate for any municipal purpose; for the construction or repair of sewage disposal equipment; to defray the cost or the share of the Town of the costs of any permanent municipal improvements; or for any proper municipal purpose including but not limited to refunding any or all outstanding bonds or other indebtedness of the Town at the maturity thereof or in accordance with any callable feature or provision contained therein and paying all expenses deemed necessary by the Town Council for the issuance of said bonds or other evidence of indebtedness, including bond discount and legal expenses of bond counsel; provided, however, that the borrowing of money therefor shall have been authorized for the Town Council in the manner following:

(1) The Town Council by Resolution shall propose to the residents and property owners of the Town that the Town Council proposes to borrow a certain sum of money for any of the purposes above stated. The Resolution shall state the amount of money desired to be borrowed, which may be stated as a "not to exceed" amount, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan which are deemed pertinent by the Town Council and in their possession at the time and place for a hearing on the said Resolution.

(2) Notice of the time and place of the hearing on the Resolution authorizing said loan shall be printed in a newspaper having a general circulation in the Town or distributed in circular from at least one week before the time set for the public hearing.

(3) Following the public hearing, a second Resolution shall then be passed by the Town Council ordering a Special Election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing to borrow the same money, the said Special Election to be for the purpose of voting for or against the proposed loan. The passing of the second Resolution calling a Special Election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue.

(4) The notice of the time and place of holding the said Special Election shall be printed in two (2) issues of a newspaper having a general circulation in The Town of Dagsboro within thirty (30) days prior to the said Special Election or distributed in circular form at least fifteen (15) days prior to the Special Election, or both, at the discretion of the Town Council.

(5) At the said Special Election, every citizen of The Town of Dagsboro shall have one (1) vote and, in addition, every partnership or corporation owning property within the corporate limits of The Town of Dagsboro shall also have one (1) vote and the said votes may be cast either in person or by proxy.

(6) The Town Council shall cause to be prepared, printed and have available for distribution a sufficient number of ballots not less than five (5) days prior to the said Special Election. The Special Election may, at the discretion of the Town Council, be conducted by the use of voting machines or by paper ballot. The Mayor of The Town of Dagsboro, by and with the advice and consent of the majority of the Town Council shall appoint three (3) persons to act as a Board of Special Election. The polling places shall be opened from twelve o'clock noon, prevailing time, until five o'clock in the evening, prevailing time, on the date set for the Special Election.

(7) The Board of Special Election shall count the votes for and against the proposed loan and shall announce the result thereof. The Board of Special Election shall make a certificate under their hands of the number of votes cast for and against the proposed loan and the number of void votes and

shall deliver the same to the Town Council, which said certificate shall be retained by the Town Council with the other papers of the Town Council.

(8) The form of the bond or certificate of indebtedness, the interest rate, the time or times of payment of interest, the classes of the bond, the time or times of maturity, and the provisions as to registration shall be determined by the Town Council after the said Special Election.

(9) The bonds may be sold at either public or private sale. If it is determined to sell the bonds at public sale, they shall be offered for sale to the best and most responsible bidder therefor after advertisement in a manner to be described by the Town Council.

(10) The Town Council shall provide in its budget and in the fixing of the rate of tax for the payment of interest on and principal of the said bonds at the maturity thereof.

(11) The faith and credit of The Town of Dagsboro shall be deemed to be pledged for the due payment of interest thereon issued pursuant to the provisions hereof when the same had been properly executed and delivered for value.

(B) The bonded indebtedness shall not at any time exceed in the aggregate the total sum of twenty-five percent (25%) of the assessed value of real property situate within the limits of The Town of Dagsboro shown by the last assessment preceding the creation of the said indebtedness, unless authorized in a greater amount by the General Assembly of the State of Delaware.

ACTIONS OR SUITS

Section 34. No action, suit or proceeding shall be brought or maintained against The Town of Dagsboro for damages either compensatory or punitive on account of any physical injury or injuries, death or injury to property by reason of the negligence, simple, gross, or willful or wanton conduct, of the said Town of Dagsboro, or any of its departments, officers, agents, servants or employees unless the person by or on behalf of whom such claim or demand is asserted, within ninety (90) days from the happening of said injury or the suffering of such damages shall notify The Town of Dagsboro in writing of the time, place, cause, character and extent of the injury sustained or damages suffered. Such notice shall be directed to the Mayor of The Town of Dagsboro by certified mail with return receipt requested and postage prepaid.

EMINENT DOMAIN

SECTION 35. The Town Council may, by condemnation proceedings, take private property or may exercise the right to use private property within the corporate limits of the Town for any of the purposed authorized by this Charter. The proceedings for such condemnation shall be as prescribed in 10 Del. C. Chapter 61 or any future corresponding provision of law. The right of condemnation shall not extend to property owned by the United States, the State of Delaware or any agency thereof.

LIMITATION ON LIABILITY

SECTION 36. No. claim or cause of action shall arise, and no judgment, damages, penalties, costs or other money entitlement shall be awarded or assessed against the Town of Dagsboro, or any board, commission or agency of the Town, or any Town public officer, employee or member of such Town instrumentalities, whether elected or appointed, and whether now or previously serving as such, in any civil suit, or before any administrative tribunal on any and all tort claims seeking recovery of damages, unless made pursuant to Subchapter II, entitled "County and Municipal Tort Claims", consisting of Sections 4010-4013, Title 10 of the Delaware Code or its successor.

INDEMNIFICATION

SECTION 37. The Town shall indemnify, from the general funds of the Town's treasury, to the extent not otherwise covered by appropriate insurance, any person who is a party to, or is threatened to be made a party to, any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative (other than an action by or in the

right of the Town of Dagsboro itself) by reason of the fact that he is or was a member of the Town Council, Mayor or other duly elected or appointed Town official or employee of the Town of Dagsboro, or arising out of actions taken by each or any of them in connection with the performance of their official duties, against expenses (including attorney's fees), judgments, fines and amounts paid in settlement, actually and reasonably incurred by him in connection with such action, suit or proceeding if he acted in good faith and in a manner he reasonably believed to be in or not opposed to the best interest of the Town, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he reasonably believed to be in or not opposed to the best interest of the Town of Dagsboro and with respect to any criminal action or proceeding had reasonable cause to believe that his or her conduct was unlawful; provided, however, that in the event of a monetary settlement, the Town Council shall first approve the amount of terms of the settlement before the right to indemnification shall vest.

Indemnification as provided in this section shall be made by the Town only as authorized in the specific case upon a determination that indemnification of the member of the Town Council, Mayor, Town Officer and/or employee is proper in the circumstances because he met the applicable standards of the conduct set forth above. Such determination shall be made:

(A) by a majority vote of a quorum of the Town Council consisting of Council members who are not parties to such action, suit or proceeding, or

(B) if such quorum is not obtained, by independent legal counsel in a written opinion,

COMPENDIUM

Section 38. It shall be the duty of the Town Council, at reasonable time or times, to compile the ordinances, current regulations, orders and rules of The Town of Dagsboro. The Town Council shall have a reasonable number of copies printed for the use of the officials of the Town and for public information. From time to time, upon the enactment of new ordinances, current rules and regulations, or upon the enactment of amendments to the same, the Town Council shall enroll the same in a book to be provided for that purpose so that the same may be readily examined. It shall furnish the Mayor of The Town of Dagsboro copies thereof as they are enacted and therefrom may cause supplements to be compiled and printed to any compendium thereof heretofore printed as above provided.

REVIVAL OF POWERS AND VALIDATING SECTION

Section 39. (A) All powers conferred upon or vested in the Town Council of The Town of Dagsboro by any act or law of the State of Delaware not in conflict with the provisions of this Charter are hereby expressly conferred upon and vested in The Town of Dagsboro and/or the Town Council of The Town of Dagsboro precisely as if each of said powers was expressly set forth in this Charter.

(B) All ordinances adopted by the Town Council of Dagsboro and in force at the time of approval, acceptance and going into effect of this Charter are continued in force until the same or any of them shall be repealed, modified or altered by the Town Council of The Town of Dagsboro under the provisions of this Charter.

(C) All of the acts and doings of the Town Council of Dagsboro or of any official of the Town Council of Dagsboro which shall have been lawfully done or performed under the provisions of any law of this State or of any ordinance of the Town Council of Dagsboro or under any provision of any prior Charter of The Town of Dagsboro, prior to the approval, acceptance and going into effect of this Charter, are hereby ratified and confirmed, unless otherwise provided herein.

(D) All taxes, assessments, license fees, penalties, fines, and forfeitures due The Mayor and Council of The Town of Dagsboro shall be due The

Town of Dagsboro and all debts due from The Mayor and Council of The Town of Dagsboro shall remain unimpaired until paid by The Town of Dagsboro.

(E) All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by the Town Council of The Town of Dagsboro.

(F) The bonds given by or on account of any official of The Town of Dagsboro shall not be impaired or affected by the provisions of this Charter.

(G) All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter be and the same are hereby repealed to the extent of any such inconsistency.

(H) If any part of this Charter shall be held to be unconstitutional or invalid by a court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions of this Charter.

(I) This Charter shall be taken as and deemed to be a Public Act of the State of Delaware.

Approved July 9, 1991.

CHAPTER 139

FORMERLY

SENATE BILL NO. 186

AN ACT TO AMEND CHAPTER 29, TITLE 24, DELAWARE CODE, RELATING TO THE REAL ESTATE GUARANTY FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 2921(c), Chapter 29, Title 24 of the Delaware Code by inserting ", their administrative staff, and legal counsel," after the word "Commissioners" and before the words "for expenses paid" as they appear in the last sentence of that section.

Section 2. This amendment shall become effective upon signature of the Governor.

Approved July 9, 1991.

CHAPTER 140

FORMERLY

SENATE BILL NO. 187
AS AMENDED BY SENATE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 29, TITLE 24, SUBCHAPTER II, OF THE DELAWARE CODE RELATING TO REGULATION OF REAL ESTATE APPRAISERS.

WHEREAS, State and Federal financial and public policy interests in real estate related transactions will be protected by requiring that real estate appraisals utilized in connection with state and federally related transactions are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision.

WHEREAS, it is desirable that the State of Delaware's statutory scheme regarding certification and licensure of real estate appraisers conform to Title XI of the Financial Institutions Recovery, Reform and Enforcement Act of 1989, Public Law 101-73 (Codified at Title 12, United States Code, Chapter 34A) and to amendments thereto and regulations promulgated thereunder.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Section 2930 (b), Chapter 29, Title 24, Delaware Code by adding the words "or certified" after the words "shall not be licensed".

Section 2. Amend subsection (c), Section 2930, Chapter 29, Title 24, Delaware Code by striking said subsection in its entirety, and substituting the following in lieu thereof:

"(c) Nothing in this Chapter shall require a geologist licensed under Chapter 36 of Title 24 to meet the requirements for either certification or licensure, provided that the geologist's written estimate of value is not the sole determinant of a property's value and that any such estimate of value is not used as an appraisal in Federally funded transactions.

(d) Nothing in this Chapter shall require an auctioneer to meet the requirement for either certification or licensure under this Subchapter, provided that the auctioneer provides only a verbal estimate of value and not a written appraisal of the value of any real property."

Section 3. Amend Section 2931 (a), Chapter 29, Title 24, Delaware Code by striking the words "and meet standards as set by a federal financial regulatory agency." and substituting the words "and to comply with the standards as set forth in Title XI of the Financial Institutions Recovery, Reform and Enforcement Act of 1989, Public Law 101-73 (Codified at Title 12, United States Code, Chapter 34A), and any subsequent amendments thereto or any regulations promulgated thereunder." in lieu thereof.

Section 4. Amend Section 2931 (c), Chapter 29, Title 24, Delaware Code by striking the words "calendar year" and substituting in lieu thereof the words "fiscal year".

Section 5. Amend subsection (a), Section 2932, Chapter 29, Title 24, Delaware Code by striking the words "Title 12, United States Code, Chapter 34A and any subsequent amendments thereto." and substituting the words "Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73, and any subsequent amendments thereto or any regulations promulgated thereunder".

Section 6. Further amend subsection (a), Section 2932, Chapter 29, Title 24, Delaware Code by striking the words "federal financial institutions regulatory agencies and the Resolution Trust Corporation;" as the same appear in said subsection, and substituting the words "Federal Financial Institutions

Examination Council, Appraisal Subcommittee or its successor committee, council or agency;" in lieu thereof.

Section 7. Amend Section 2932 (c), Chapter 29, Title 24, Delaware Code by striking the words "by the Appraiser Qualification Board of the Appraisal Foundation, if any, or such additional standards as may be specified by a federal financial regulatory agency or by 12 United States Code, Chapter 34A." and substituting the words "under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73, and any subsequent amendments thereto or any regulations promulgated thereunder." in lieu thereof.

Section 8. Amend subsection (b), Section 2933, Chapter 29, Title 24, Delaware Code by striking the figure "$25" as it appears in the last sentence of the subsection and substituting the figure "$50" in lieu thereof; and by striking the words "appraisal subcommittee of the Federal Financial Institutions Examination Council."; and by substituting the words "appropriate federal agency as designated in Title XI of the Financial Institutions Recovery, Reform and Enforcement Act of 1989, Public Law 101-73, and any subsequent amendments thereto or any regulations promulgated thereunder." in lieu thereof.

Section 9. Amend Chapter 29, Title 24, Delaware Code by striking Section 2934 in its entirety and substituting the following in lieu thereof:

"Section 2934. Real Estate Appraiser Qualifications Criteria: Certified General Real Property Appraiser, Certified Residential Real Property Appraiser, Licensed Real Property Appraiser and Real Property Appraiser Trainee.

(a) Certified General Real Property Appraiser

Applicants for initial certification as Certified General Real Property Appraiser must meet the requirements, and renewal applicants the continuing education requirements, as set forth in Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and any subsequent amendments thereto or any regulations promulgated thereunder.

(b) Certified Residential Real Property Appraiser

Applicants for initial certification as Certified Residential Real Property Appraiser must meet the requirements, and renewal applicants the continuing education requirements, as set forth in Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and any subsequent amendments thereto or any regulations promulgated thereunder.

(c) Licensed Real Property Appraiser

Applicants for initial licensure as Licensed Real Property Appraiser must meet the requirements, and renewal applicants the continuing education requirements, as set forth in the qualifications criteria established by the Appraiser Qualifications Board of the Appraisal Foundation for their licensed real property appraiser designation.

(d) Real Property Appraiser Trainee

An applicant for a real estate appraiser trainee license shall have successfully completed a minimum of 45 classroom hours of education on real estate matters satisfactory to the Council, including classroom hours on the topic of the Code of Professional Ethics and Uniform Standards of Professional Appraiser Practice.

A Real Property Appraiser Trainee may assist in the completion of an appraisal report, including an opinion of value, and may co-sign an appraisal, provided that he or she is actively and personally supervised by a state certified or licensed real estate appraiser; provided that the appraisal report is reviewed and signed by the state certified or licensed real estate appraiser, and provided that the

licensed or certified appraiser accepts total responsibility for the appraisal report.

(e) (1) An applicant for certification under this Subchapter shall not have been convicted of a felony, substance abuse, or fraud within the 5 years preceeding the date of application.

(2) Each applicant shall provide such information as may be required on an application form designed and furnished by the Council. No application form shall require a picture of the applicant; require information relating to citizenship, place of birth, length of state residency; nor require personal references.

(f) Where the Council has found to its satisfaction that an application has been intentionally fraudulent, or that false information has been intentionally supplied, it shall report its finding to the Attorney General for further action.

(g) No person shall be denied certification or licensure solely by virtue of membership or lack of membership in any appraisal organization.

(h) Where the application of a person has been refused or rejected and such applicant feels that the Board has acted without justification; has imposed higher or different standards for him or her than for other applicants or licensees; or has in some other manner contributed to, or caused the failure of, such application, the applicant may appeal to the Superior Court within 30 days of receipt of the refusal from the Board."

Section 10. Amend Section 2935, Chapter 29, Title 24, Delaware Code by striking said section in its entirety and substituting the following in lieu thereof:

"Section 2935. Temporary Practice and Reciprocity

(a) Temporary Practice

(1) A real estate appraiser from another state, who is licensed or certified by the appraiser licensing or certifying agency in such state, may apply for registration to receive temporary licensing or certification privileges in this State by paying all required fees and filing with the Council on Real Estate Appraisers a notarized application, on a form prescribed by the Council for such purpose, which shall set forth and include:

a. the applicant's name, address, social security number and such other information as may be necessary to identify the applicant;

b. a statement under seal issued by the appraiser licensing or certifying agency in the applicant's resident state setting forth:

i. the applicant's name, business name and address;

ii. the type license or certificate held by the applicant and the license or certificate number;

iii. the dates of licensure or certification and the expiration date of the applicant's current license or certificate;

iv. whether the license or certificate was issued as a result of passing a licensure/certification examination, by reciprocity, or by some other means; and

v. a complete record of any disciplinary actions taken, or disciplinary proceedings pending, against the applicant;

c. A statement that the applicant (i) has read and agrees to abide by all appraiser laws and rules in this State and (ii) agrees to cooperate with any investigation initiated by the Council, including supplying relevant documents and personally appearing before the Council and/or its investigators;

d. Such other information as may be necessary to determine the applicant's eligibility for temporary appraiser licensing or certification privileges in this State;

e. Every applicant for certification or licensure under this Subchapter, who is not a resident of this State shall submit, with the application for certification or licensure, an irrevocable consent that service of process upon him or her may be made by delivery of the process to the Secretary of State if, in an action against the applicant in a court of this state arising out of the applicant's activities as a real estate appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant; and

f. Identification of the property to be appraised and the anticipated duration of the assignment. (See Section 2901 (a) (1).)

(2) Licensing and certification privileges granted under the provisions of this section shall expire upon completion of the specific appraisal assignment for which the temporary license or certificate was issued.

(3) Persons granted temporary licensing/certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the State of Delaware;

(b) Reciprocity

(1) An applicant for certification or licensure in Delaware who possesses substantially equivalent certification or licensure in another state shall:

a. Provide satisfactory proof that he or she is licensed or certified in good standing in his or her resident state;

b. File a 'consent to service form' whereby the applicant would agree that any lawful judicial process or legal notice served upon the administrator of the Council will have the same force and effect as if served upon him or her;

c. Furnish a signed statement that the applicant (i) has read and agrees to abide by all appraiser laws and rules in this State and (ii) agrees to cooperate with any investigation initiated by the Council in this State including supplying relevant documents and personally appearing before the Council and/or its investigators;

d. Pay all required licensure/certification fees; and

e. Furnish any additional information and documentation required by the Council needed to determine whether the applicant possesses the requisite competency for licensure or certification."

Section 11. Amend Section 2943 (a) (1), Chapter 29, Title 24, Delaware Code by striking the words "Title 12 United States Code, Chapter 34A and in any subsequent amendments thereto." and substituting the words "Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law 101-73, and any subsequent amendments thereto or any regulations promulgated thereunder."

Section 12. Amend Section 2943 (a) (2), Chapter 29, Title 24, Delaware Code by adding commas between the words "sales" and "developments" and between the words "disposition" and "including".

Section 14. Amend Section 2943, Chapter 29, Title 24, Delaware Code by adding the following subsections:

"(c) 'Appraisal or real estate appraisal' means an analysis, opinion or conclusion as to the value of identified real estate or specified interests therein.

(d) 'Classroom hour' is defined as fifty minutes out of each sixty minute hour.

(e) 'Council' means the Council on Real Estate Appraisers.

(f) 'Certified General Real Property Appraiser' shall mean an individual who meets the qualifications for certification as outlined in Section 2934 (a) of this Title.

(g) 'Certified Residential Real Property Appraiser' shall mean an individual who meets the qualifications for certification outlined in Section 2934 (b) of this Title.

(h) 'State Licensed Real Property Appraiser' shall mean an individual who meets the qualifications for licensure outlined in Section 2934 (c) of this Chapter.

(i) 'Trainee' or 'Appraiser Trainee' shall mean an individual who meets the qualifications for licensure outlined in Section 2934 (d) of this Chapter."

Section 13. Amend Chapter 29, Title 24, Delaware Code by renumbering Section 2939 as Section 2936; Section 2940 as 2937; Section 2941 as Section 2938; Section 2942 as 2939, and Section 2943 as Section 2940.

Section 15. Amend §2932 of Title 24, Delaware Code by adding a new subsection 7 as follows:

"(7) Adopt and revise such rules and regulations to define the scope of practice of a 'licensed real property appraiser' such that there be no violation of the federal law, rules, standards, guidelines, or regulations as presently existing or hereafter amended."

Approved July 9, 1991.

CHAPTER 141

FORMERLY

SENATE BILL NO. 189
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO REINCORPORATE THE TOWN OF ODESSA.

WHEREAS, it is deemed advisable that the Charter of the Town of Odessa, Delaware, set forth in Chapter 273, Volume 46, Laws of Delaware with subsequent amendments, be replaced by a new Charter.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

1. Incorporation. The inhabitants and property owners of the Town of Odessa, within the corporate limits as hereinafter defined in this Charter or as extended as hereinafter provided, are hereby constituted and declared to be a body politic incorporated in law and equity , by the corporate name of the "Town of Odessa, (hereinafter "Town") with power to govern themselves by such ordinances, rules, resolutions, and regulations for municipal purposes as they, through their duly elected officers and agents may deem proper, not in conflict with the provisions of this Charter of government, nor with the Constitution and Laws of the State of Delaware, nor of the United States; and as such shall be able and capable to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts.

The Town shall have perpetual succession and shall succeed to own or possess all property, whether real, personal, or mixed, tangible or intangible, of whatever kind and nature, and all the powers, rights, privileges or immunities now or heretofore belonging to, possessed or enjoyed by the Town of Odessa previously incorporated at Chapter 273, Volume 46, Laws of Delaware, as amended.

2. Territorial Limits. The present territorial limits of the Town are hereby established and declared to be as follows:

ALL that certain tract or parcel of land laid out as the Town of Odessa in St. Georges Hundred, New Castle County, State of Delaware, according to a plat of said Town and the description thereof recorded in the Recorder's Office, in and for New Castle County aforesaid, in Private Acts Record B, Page 505, as follows, to-wit:

BEGINNING at a stone set in marsh land of Daniel Corbit at the southwestern corner of said Town, and running from there through marsh and up or cleared land of Daniel Corbit, cleared land of Mrs. Margaret B. Polk, crossing a ravine and cleared lands of John C. Corbit, cleared lands of Daniel Corbit, Charles E. A. Mailly and Samuel M. Enos, passing over a stone set on the southeastern side of the public road leading from Odessa to Middletown, crossing said public road north forty-eight degrees, west two hundred eighty perches to a stone set in cleared land of Mrs. Margaret B. Polk, the northwestern corner of said Town; thence, through cleared land of the said Mrs. Margaret B. Polk passing over a stone set on the southwestern side of the public road leading from Odessa to Drawyer's Creek and Armstrong's Corner through cleared lands of William Polk and the heirs or devisees of James Rodgers, deceased, north forty-two degrees east one hundred sixty perches to a stone in cleared lands of the heirs or devisees of James Rodgers, deceased, the northeastern corner of said Town; thence through cleared land of the heirs or devisees of the said James Rodgers, deceased, passing over a stone on the northwestern side of the public road leading from Odessa to McDonough, crossing said public road and through cleared land and swamp or marsh of the heirs or devisees of the said James Rodgers, deceased, south forty-eight degrees east two hundred seventy-three perches to a stake in a ditch; thence with said ditch north seventy degrees east seven perches to the Appoquinimink Creek, the southeastern corner of said Town; thence up said Creek and binding therewith the several courses and distances thereof to a stone set at high water mark on the north side of said Creek, and from thence by a line drawn south forty-two degrees west crossing the Appoquinimink Creek through marsh lands of Daniel Corbit, passing over a stone set on the northeastern side of

the County Causeway, crossing said Causeway through marsh land of James V. Moore, recrossing the Appoquinimink Creek through marsh land of Daniel Corbit to the stone at the southwestern corner of said Town and place of Beginning. Containing within these metes and bounds two hundred eighty acres of land, be the same more or less.

PROVIDED, HOWEVER, that the jurisdiction of said Town shall extend over all wharves, docks, piers and other constructions in the Appoquinimink Creek adjoining the limits of said Town.

The Town Council may, at any time hereafter, cause a survey and plot to be made of said Town, and the said plot or any supplement thereto, when made and approved by said Town Council, signed by the Mayor, and attested to by the Secretary, with the Town Seal affixed, upon being recorded in the Office of the Recorder of Deeds in and for New Castle County, State of Delaware, or the record thereof, or a duly certified copy of said record, shall be in evidence in all courts of law and equity in this State.

3. Annexation of Territory. The Town shall have power to annex any additional contiguous territory adjoining the corporate limits of the Town as hereinbefore set forth or as hereafter extended pursuant to the procedure set forth in this section, and to apply to all such additional territory all laws, ordinances, resolutions, and policies in force in the Town so far as they may be locally applicable.

3.1 By Petition of the Property Owners. Any property owner(s) holding record fee title to real property in territory contiguous (subject to Sec. 3.2.9b) to the then existing corporate limits of the Town may petition the Town Council to annex that certain territory in which they own property. Such petition shall be in writing, duly executed and acknowledged by each petitioner, shall describe with reasonable certainty the territory proposed for annexation, indicate the property owned by each petitioner therein and state the reasons for the requested annexation. The Town Council may, within ninety (90) days following the filing of such petition in the Town Office, vote to accept such petition and proceed as hereinafter provided, or to reject such petition. A petition not so accepted within said ninety (90) days shall be null and void. For purposes of this Sec. 3.1.1 and Sec. 3.1.2, "territory contiguous to the then existing corporate limits of the Town" shall include both real property which is proposed to be included in the annexation and real property which would be contiguous under Sec. 3.2.9(b).

3.1.2 By Resolution of the Town Council. The Town Council may, at any time, adopt a resolution proposing the annexation of any territory contiguous to the Town. Such resolution shall describe, with reasonably certainty, the territory proposed to be annexed and state the reasons for the proposed annexation. Upon adoption of such resolution, the Town Council shall proceed as hereafter provided.

3.2 Annexation Procedure. Whether annexation is proposed by petition of the property owners or by resolution of the Town Council, the following procedure shall be complied with:

3.2.1 Resolution and Notice. The Town Council shall adopt a resolution notifying the property owners and the residents of both the Town and the territory proposed to be annexed, that the Town proposes to annex certain territory which adjoins its then corporate limits. The resolution shall contain a description of the territory proposed to be annexed and shall fix a time and place for a public hearing on the subject of the proposed annexation. The resolution setting forth the information shall be published at least once in at least two (2) newspapers which shall be of general circulation in the Town and in the territory proposed to be annexed. Such publication shall appear not less than thirty (30) days nor more than sixty (60) days before the date set for the hearing. In the event that such publications do not appear on the same date, the date of the last publication shall control. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto.

In addition to publication as herein provided, the Town Council shall, not less than thirty (30) days nor more than sixty (60) days before the date of such hearing: (1) cause a public notice,

containing the full text of the resolution to be posted in at least three (3) public places in the Town and in at least one (1) place, viewable to the public, in the territory proposed to be annexed; and (2) send a copy of such notice, certified mail, to the owners of record of the lands proposed to be included in the annexation at their addresses as shown on the public tax records. Written notice to one co-owner shall be notice to all.

3.2.2 Public Hearing. At the time, date, and place specified in the resolution proposing annexation (or at any revised date, time, or place if duly noticed as provided in Sec. 3.2.1) the Town Council shall sit to hear comments and opinion from any concerned party regarding the proposed annexation. Such public hearing shall be for the purpose of obtaining public opinion and legislative fact finding.

3.2.3 Resolution Ordering Special Election. Following the public hearing, but in no event later than sixty (60) days thereafter, the Town Council may pass a resolution ordering a special election to be held not less than thirty (30) days, nor more than sixty (60) days after the date of such resolution proposing the special election. The passage of this resolution shall be considered the determination of the Town Council to proceed with the matter of the proposed annexation, provided, however, that if the annual municipal election is to be held within 120 days of the date of the resolution adopted by the Town Council pursuant to this section, the election on the proposed annexation may be held in conjunction with the annual municipal election and all provisions hereof shall be construed and applied accordingly.

3.2.4 Notice of Special Election. Notice of the time and place of said special election shall be published not less than thirty (30) days nor more than sixty (60) days before the date set for said special election. Notice shall be published at least once in two (2) newspapers which shall be of general circulation in the Town and in the territory proposed to be annexed. In the event that such publications do not appear on the same date, the date of the last publication shall control. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto. In addition to such publication as herein provided, the Town Council shall, not less than thirty (30) days nor more than sixty (60) days before the date of such special election, cause a public notice containing the full text of the resolution proposing such special election to be posted in at least three (3) public places in the Town and in at least one (1) place, viewable to the public.

3.2.5 Those Entitled to Vote.

(a) At such special election, any person who is lawfully entitled to vote at the annual Municipal election, if it were being held on that day, and any person who would be so entitled if the area proposed to be annexed were already included in the Town, shall be entitled to one (1) vote. For purposes of this section, "lawfully entitled to vote" shall include "registered to vote" if registration is required; but all persons in the area to be annexed shall be deemed to be registered if they would otherwise be entitled to vote. In addition, each legal entity, other than a natural person, owning property in its own name, either in the Town or in the territory proposed to be annexed, shall be entitled to one (1) vote.

(b) These provisions shall be construed so as to permit "one person, one vote". Should a voter be entitled to vote by virtue of both residence and ownership of property, that voter shall be entitled to only one (1) vote. Should a voter be entitled to vote by ownership of two (2) or more properties, that voter shall be entitled to only one (1) vote.

(c) Any legal entity (other than a natural person) entitled to vote must cast its vote by a duly executed and acknowledged power of attorney. Such power of attorney shall be surrendered to the Board of Special Election which shall file the same in the Town Office. Such power of attorney so filed shall constitute conclusive evidence of the

right of said person to vote in the special election on behalf of the legal entity granting the power.

3.2.6 Conduct of the Special Election. The Town Council may cause voting machines or electronic voting systems to be used in the special election, as required by law, the form of ballot to be printed as follows:

_____ For the proposed annexation

_____ Against the proposed annexation.

The Mayor shall appoint three (3) persons to act as a Board of Special Election. One (1) of the said persons so appointed shall be designated the Presiding Officer. The Board of Special Elections shall be the sole and final judge of the legality of the votes offered at such special election. It shall keep a true and accurate list of all persons and other legal entities voting. Voting shall be conducted in a public place as designated by the resolution calling the special election. The polling place shall be open for a minimum of six (6) consecutive hours as set by the Town Council, on the date set for the special election. All persons in the polling place at the time of the closing of the polls shall be permitted to vote, even though such votes are not cast until after the time for the closing of the polls. All ballots cast by those persons or other legal entities authorized to vote in the territory proposed to be annexed shall be cast in designated voting machine(s), and all ballots cast by those persons or other legal entities who are authorized to vote in the Town shall be cast in other designated voting machine(s).

3.2.7 Results of Special Election.

(a) In order for the territory proposed to be annexed to be considered annexed, a majority of the votes cast from both the Town and from the territory proposed to be annexed must have been cast in favor of the proposed annexation.

(b) In the event that the special election results in an unfavorable vote for the annexation in either or both the Town and the territory proposed to be annexed, no part of the territory proposed to be annexed shall again be considered for annexation for a period of at least one (1) year from the date of the special election.

(c) If the vote in both the Town and in the territory proposed to be annexed is favorable to the proposed annexation, the Town Council shall at its first meeting following the special election adopt a resolution annexing the said territory and including it within the limits of the Town. Upon the adoption of the resolution of annexation, a copy thereof, signed by the Mayor and certified by the Secretary, with the Town Seal affixed, together with a plot of the area annexed, shall forthwith be filed for recording in the Office of the Recorder of Deeds in and for New Castle County, Delaware. The territory so annexed shall be considered to be a part of the Town from the moment the resolution of annexation is adopted by the Town Council. Failure to record the resolution, or the plot accompanying same, shall not invalidate the annexation, but such recording may be enforced by writ of mandamus or mandatory injunction.

3.2.8 Annexation Agreements. Notwithstanding any provision herein to the contrary, where, pursuant to Sec. 3.1.1 of this Charter, annexation proceedings are initiated by a property owner(s) holding record title to real property in territory contiguous to the then existing corporate limits of the Town, such petition may be made contingent upon an annexation agreement with the Town which agreement may address any matters which would be relevant to the subject lands, if annexed. By way of example and not in limitation, such agreement may address zoning, subdivision approval, tax relief, public utilities, and public improvements. In the event the Town Council approves such an agreement and votes to accept a petition under Sec. 3.1.1 of this Charter, such annexation agreement shall be deemed a

material part of the annexation and shall be included in all subsequent steps of the annexation procedure: (1) the resolutions and notices adopted by the Town Council pursuant to Sec. 3.2.1, Sec. 3.2.3, Sec. 3.2.4 and Sec. 3.2.10 shall recite that the proposed annexation includes and is subject to an annexation agreement, shall briefly summarize its terms, and shall state that copies of the agreement are available upon request at the Town Office; (2) if the results of the election are favorable to the proposed annexation as provided by Sec. 3.2.7(a) of this Charter, the resolution annexing the territory as provided by Sec. 3.2.7(c) shall recite that the annexation is subject to an annexation agreement and shall incorporate the terms of such agreement by specific reference; and all affected parties shall be bound to honor the provision of such agreement. No agreement made at the time of annexation under this Sec. 3.2.8 shall extend beyond seven (7) years from the date the property is annexed into the Town; and such agreements shall be null, void, and unenforceable after the expiration of said seven (7) years.

An annexation agreement may be modified or amended by mutual agreement of the petitioner and the Town Council at any time prior to the resolution ordering the special election pursuant to Sec. 3.2.3 of this Charter, but any material modification or amendment shall be deemed to be:

(1) the withdrawal of the original petition, and

(2) the filing of a new petition under Sec. 3.1.1.

3.2.9 Property Owned by the State of Delaware; Highways, Streets, Roads, Alleys and Waterways.

(a) Real property owned by the State of Delaware may be annexed by the Town without the State casting a vote in the special election, provided the State agency having control and supervision thereof does not notify the Town, in writing, of its objection to such annexation within thirty (30) days after receiving written notice of the resolution proposing the annexation, as provided in Sec. 3.2.3.

(b) Contiguity with the Town's existing corporate limits or with other territory which is itself contiguous with the Town's existing corporate limits, shall not be deemed interrupted by the existence of any highway, street, road, alley, or waterway (included but not limited to ponds, creeks, canals, lagoons, wetlands and ditches) which passes through, or lies within the territory to be annexed.

3.2.10 Limitations. No action contesting the annexation of any territory under this section shall be brought after the expiration of sixty (60) days from the publication of a notice in at least two (2) newspapers, both of general circulation in the Town and in the territory annexed, which notice shall contain the following information:

(a) notice that the Town has annexed such territory and a description thereof;

(b) notice that any person or other legal entity desiring to challenge such annexation must bring his/her/its action within sixty (60) days from the date of publication of such notice or forever be barred from doing so. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto. In addition to publication as herein provided, the Town Council shall cause a public notice, containing the information set out in subparagraph (a) and (b) above (using date of posting for date of "publication") to be posted in at least three (3) public places in the Town and in at least one (1) place, viewable to the public in the territory to be annexed. In the event the publication and/or the posting dates do not appear on the same date, the date of the last publication or posting shall control.

4. Powers of the Town.

4.1 General. The Town shall have and enjoy all the powers possible for a municipal corporation to have under the Constitution and Laws of the State of Delaware, as fully and completely as though they were specifically enumerated in this Charter.

4.2 Enumeration of Powers. Not by way of limitation upon the scope of the powers vested in the Town Council to exercise all powers delegated by this Charter to the Town (except as may expressly appear herein to the contrary), but rather by way of enumeration and for purposes of clarity, the Town Council is vested by this Charter with the following powers, that is to say, the Town Council:

4.2.1 may have and use a corporate seal which may be altered, changed, or renewed at any time.

4.2.2 may hold and acquire by gift, negotiation and purchase, devise, lease, or condemnation property both real (improved or unimproved) and personal, or mixed, within or without the boundaries of the Town, in fee simple or lesser estate or interest, necessary or desirable for any municipal or public purpose, including but not limited to providing sites for constructing, improving, extending, altering or demolishing:

(a) public buildings;

(b) parks;

(c) streets, squares, lanes, alleys, and

(d) sewer systems, including but not limited to sewage lines, conduits, sewage disposal or treatment plants, and all appurtenances thereto;

(e) water systems, including but not limited to, water plants, wells, lines, conduits and all appurtenances thereto;

(f) recreational facilities, including but not limited to gymnasiums, athletic fields, bicycle paths, tennis, basketball, or paddle ball courts and all appurtenances thereto;

(g) adequate municipal services for persons and other legal entities residing either within or beyond the corporate limits of the Town, to their mutual benefit and advantage, upon such terms, charges, and conditions as the Town Council may determine and approve;

(h) slum clearance and redevelopment, urban renewal, revitalization or rehabilitation of blighted areas or removal of dangerous buildings;

(i) protection services for the citizens of the Town to include, but not limited to, police, fire, rescue and paramedic support.

4.2.3 may sell, grant, alienate, lease, mortgage, manage, hold and control such property as the interests of the Town may require except as prohibited by the Constitution or Laws of the State of Delaware or as restricted by this Charter;

4.2.4 may pay for the acquisition, construction, improvement, repair, extension, alteration or demolition of any Town property (real, personal or mixed) from the general fund of the Town, from the proceeds of any bond issue which may be authorized and sold for any of the purposes for which lands and premises are authorized by this Charter to be acquired, and/or from the proceeds of any grant or loan made to the Town by any governmental entity of the United States or the State of Delaware where the proceeds of the grant or loan are for the purposes for which lands and premises are authorized by this Charter to be acquired;

4.2.5 may acquire, build, erect, and maintain buildings and facilities necessary or required for housing and equipping the offices of the Town;

4.2.6 may purchase, take and hold real and personal property when sold for any delinquent tax, assessment, water rent, electric bill, gas bill, license fee, tapping fee, charge growing out of abatement of nuisances,or other charge due the Town and sell the same;

4.2.7 may;

(a) ascertain, locate, lay out, establish, open, change, alter, widen, abandon, regulate the use and enjoyment of, prevent or remove any obstruction of, level, grade, flag, dress, macadamize, pave, improve, dredge, erect, remove, repair and replace any new or present street, highway, road, alley, waterway, park, crosswalk, wharf, dock, sewer, drain, gutter, aqueduct or pipeline or portion thereof, or any new or present curb, or gutter or portion thereof in the Town and the strand in or contiguous to the Town;

(b) specify the grade thereof, the materials to be used in the doing thereof and the manner in which the same shall be done;

(c) enter into contracts or agreements with the State of Delaware for the permanent maintenance, repair and upkeep of any street, highway, road, alley, sidewalk or other public thoroughfare within the Town;

4.2.8 may provide, construct, extend, maintain, manage and control bulkheads, embankments, rip rap, piers or fills for the preservation of any waterway, strand or high land within the corporate limits of the Town and contiguous thereto to the end that the same may be preserved and properly protected that the general public might enjoy the use thereof;

4.2.9 may regulate and control the planting, growing, treatment and preserving of ornamental shade trees in the streets, avenues, highways, parks and lands of the Town and may authorize or prohibit the removal or destruction of said trees;

4.2.10 may fully control the drainage of all surface water within the Town, and to that end, may provide, construct, extend, maintain, manage and control a surface water drainage system for the health, sanitation, and convenience of the inhabitants of the Town;

4.2.11 may provide an adequate supply of potable water for the Town and its inhabitants and, to this end, may:

(a) acquire, lease, erect, construct, maintain, operate, extend, enlarge, renew, replace, control and dispose of wells, reservoirs, pumps, machines, water treatment facilities, stations, tanks, standpipes, water mains, fire hydrants and all other equipment, property, or rights used in or about the collection, storage, purification, conveyance or distribution or sale of water;

(b) regulate and prescribe for what public or private purposes the water furnished by the Town may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties, or both, for any willful or negligent injury, or damage to or interference with the water system or the equipment of the Town;

(c) furnish or refuse to furnish water from the Town system to places and properties outside the Town corporate limits; and

(d) contract for and purchase water and distribute the same to users within or without the Town with the same full powers as though such water had been initially reduced to usefulness by the Town itself;

4.2.12 may:

(a) provide, construct, extend, maintain, manage and control: a sewer system and/or a sewage treatment and disposal plant and facilities for the health, sanitation and convenience of the inhabitants of the Town:

(b) regulate and prescribe for what private or public uses or purposes the system may be used, the manner of its use, the amounts to be paid by the users thereof, the means whereby such amounts shall be collected and the fines or penalties or both, for any willful or negligent injury or damage to, or interference with the said system, plant or facilities;

(c) furnish or refuse to furnish sewer disposal service from the Town system to places and properties outside the Town limits;

(d) compel any and all properties in the Town to be connected to the sewer system of the Town; and

(e) contract for and purchase sewer disposal service and resell the same to users within or without the Town with the same full powers as though such service had been initially provided by the facilities therefor of the Town itself;

4.2.13 may provide for and control the lighting of the streets, highways, roads, alleys,, waterways, parks, strands, crosswalks, wharfs, docks, public buildings or other public places in the Town;

4.2.14 may regulate, control or prevent the use or storage of gasoline, naphtha, gun powder, fireworks, tar, pitch, resin and all other combustible or dangerous materials and the use of candles, lamps and other lights in stores, shops, and other places; and may regulate, suppress, remove or secure any fireplace, stove chimney, over broiler or other apparatus which may pose a danger of causing fires;

4.2.15 may:

(a) provide for the organization of a fire department and the control and government thereof;

(b) establish fire limits and do all things necessary for the prevention or extinguishment of fires; and

(c) contribute or donate funds to any volunteer fire company or companies incorporated under the Laws of the State of Delaware, or any volunteer fire association or associations maintaining and operating fire fighting equipment and service to the Town, provided that any such contribution or donation may be made subject to such conditions as to the use thereof as the Town Council may deem advisable;

4.2.16 may provide for the organization of ambulance, rescue or paramedic services and the control and government thereof, may establish territories within the Town for such services; and may, at the discretion of the Town Council, contribute or donate funds to any such service formed or incorporated under the Laws of the State of Delaware, or to any volunteer service maintaining and operating ambulance, rescue or paramedic equipment and services for the inhabitants of the Town, provided that any such contribution or donation may be made subject to such conditions to the use thereof as the Town Council may deem advisable;

4.2.17 may prohibit drunkenness, use or distribution of controlled substance, gaming and fraudulent devices and riots, disturbances and disorderly assemblies;

4.2.18 may adopt and enforce such ordinances regulating traffic on all streets, highways, roads, alleys and public ways within the Town as are consistent with the motor vehicle laws of the State of Delaware;

4.2.19 may adopt and enforce such ordinances regulating traffic on all waterways within the Town as are consistent with U. S. Coast Guard and Delaware Marine Police regulations;

4.2.20 may regulate or prohibit the use of streets, highways, roads, alleys, parks, rights-of-way, other public places and Town-owned lands for commercial use, or activities not otherwise protected from such regulation or prohibition by the Constitution or Laws of either the United States or the State of Delaware;

4.2.21 may regulate or prohibit the use of guns, air guns, spring guns, pistols, sling shots, bean shooters, and any other device for discharging missiles which may cause bodily injury or injuries or harm to persons or property; and may regulate or prevent the use of bonfires, fireworks, bombs and detonating works of all kinds within the Town;

4.2.22 may provide for and preserve the health, peace, safety, cleanliness, beauty, good order and public welfare of the Town;

4.2.23 may prohibit, restrain, license or regulate all public sports, exhibitions, shows, parades, productions, circuses or other public performances, amusements and games;

4.2.24 may direct the excavation, draining, filling, cleaning, curbing or fencing of privately owned lots, tracts, pieces or parcels of land in the Town which are deemed dangerous or unwholesome, or necessary to carry out any improvements authorized by this Charter and may assess the cost thereof against the owner thereof;

4.2.25 may define, prevent, abate or remove nuisances, obstructions or any other conditions detrimental to the public safety, health or welfare; and may cause the cost of such abatement or removal to be paid by the person or other legal entity causing or permitting same to exist;

4.2.26 may adopt ordinances providing for the condemnation of any building or structure in the Town which is determined, on the basis of standards set forth in such ordinances to be a fire hazard or otherwise unsafe, and may cause the same to be torn down or removed;

4.2.27 may adopt ordinances to establish and regulate animal pounds and restrain, prohibit and impound any domestic or wild animal, beast, bird or fowl running at large within the corporate limits of the Town; authorize the destruction of the same; and may regulate the keeping of dogs within the Town, and provide for registration and fees thereof;

4.2.28 may provide for the punishment of a violation of any ordinance of the town by appropriate fine, penalty, or forfeiture;

4.2.29 may regulate and control the construction, alteration, or removal of dwellings or other structures and provide for granting permits for same;

4.2.30 may regulate and control construction activities by private individuals or companies at such times and seasons of the year and at such hour of the day as the Town Council may determine necessary and appropriate for the public health, welfare and convenience.

4.2.31 may provide for and regulate the naming of the streets and the numbering of houses and commercial establishments within the Town corporate limits;

4.2.32 may:

(a) establish setback lines for buildings and other structures to be erected;

(b) zone or district the Town and make provision for particular zones or districts with regard to construction or building materials;

(c) prohibit any construction except that for which a building permit has been issued as prescribed by the Town Council; and

(d) exercise all powers and authorities pursuant to 22 Del. C., Chapter 3, or any future corresponding provisions of law;

4.2.33 may regulate the conduct of any business, profession or occupation within the corporate limits of the Town;

4.2.34 may license, tax, and collect fees annually for any and all municipal purposes of such various amounts as the Town Council, from time to time, shall fix from any individual, firm, association or corporation carrying on, or practicing any business, profession or occupation within the limits of the Town;

4.2.35 may grant licenses, issue permits, and regulate any activity within the corporate limits of the Town, whether previously dedicated to or owned by the State of Delaware;

4.2.36 may impose upon new development or construction or upon first-time occupancy of new construction such "impact fees" as are reasonably calculated to recover the cost of installing, enlarging, improving or expanding public or municipal improvements which have a rational nexus to such new construction;

4.2.37 may appropriate money to pay the debts and liabilities of the Town, or any portion thereof, from any funds available therefor; and may, in case of emergency, temporarily transfer money from one fiscal account to another fiscal account of the Town;

4.2.38 may raise revenue for the Town by the levying and collecting of taxes on real property, taxes on business activities, special assessments, licensing fees and other charges for services;

4.2.39 may investigate the conduct of any officer, employee or representative of the Town, in the conduct of official duties, and for such purpose may compel the attendance of witnesses and the production of books, records, or other evidence by subpoena, and may administer oaths or affirmations;

4.2.40 May establish a pension plan or a health and welfare plan or both, for the employees of the Town under such terms and conditions as the Town Council may deem appropriate, with the funding accomplished through an insurance company licensed by and authorized to do business in the State of Delaware, approved by the Town Council;

4.2.41 may, by condemnation proceedings, take private property or the right to use private property within the corporate limits of the Town for any of the purposes specified in this Charter, such proceedings to be in conformity with 10 Del. C. Chapter 61, or any future corresponding provision of law;

4.2.42 may adopt, alter, and amend all such ordinances, resolutions, regulations, and rules not contrary to the Laws of the United States and of this State as the Town Council may deem necessary to carry into effect any of the provisions of this Charter or any Law of the State relating generally to municipal corporations or which may be deemed proper and necessary for the order, protection, and good government of the Town; the protection of persons and preservation of property; and the protection of the public health and welfare of the Town and its inhabitants. Any ordinance relating to the public health of the Town and its inhabitants or designed to prevent the introduction or spread of infectious or contagious diseases or to prevent nuisances affecting the same, shall apply not only within the corporate limits of the Town but as well to all areas and persons outside the Town within one (1) mile from its corporate limits.

4.3 Liberal Construction; Manner of Exercise. The powers of the Town under this Charter shall be liberally construed in favor of the Town, and the enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but, in addition to the powers enumerated herein implied hereby, or appropriate to the exercise thereof, the Town shall have and may exercise any and all powers which, under the Constitution or

Laws of the State of Delaware, it would be competent for this Charter to specifically enumerate.

All powers of the Town, whether express or implied, shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, then in the manner provided by ordinance or resolution of the Town Council. The Council, may, by ordinance or resolution, do such other act or thing incidental, necessary, or useful in connection with any of the matters duly authorized in this Charter.

4.4 Intergovernmental Cooperation. The Town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise with any one (1) or more states or civil divisions or agencies thereof, or the United States or any agency thereof, except as prohibited or restricted by the Constitution or Laws of the State of Delaware or by this Charter.

5. Town Officers.

5.1 Form of Government. The government of the Town and the exercise of all powers conferred by this Charter, except as otherwise provided therein, shall be vested in and exercised by a five (5) member Town Council composed of a Mayor and four (4) other members and a Treasurer, each of whom shall be elected by popular vote as hereinafter provided.

5.2 Qualifications.

5.2.1 General. A candidate for the Town Council or Treasurer shall be a person at least twenty one (21) years of age, a citizen of the United States, a resident of Odessa for at least one consecutive year, and otherwise qualified to vote at the annual municipal election as provided in Sec. 6.1.

5.2.2 Residency Requirement for Council and Treasurer Candidates. All members of the Town Council and Treasurer shall be residents of the State of Delaware, as defined by the laws of the State of Delaware.

5.2.3 Residency Requirement for Mayoral Candidates. The Mayor shall be a resident in the Town of Odessa, Delaware for at least one consecutive year, and twenty-one years of age and otherwise qualified as provided in Sec. 5.2.1 and 5.2.2.

5.2.4 Council to Act as Final Judge. The Town Council, by majority vote of its disinterested members, shall be the sole and final judge of the qualifications of its members, and shall interpret and apply the standards set forth in this Charter.

5.3 Term of Office, Staggered Terms.

5.3.1 Term of Office. The term of office for each member of the Town Council and Treasurer shall be two (2) years.

5.3.2 Staggered Terms. The present Mayor, Council, and Treasurer of the Town of Odessa, and other officers appointed to serve in the office under Chapter 273, Volume 46, Laws of Delaware, as amended, shall continue to serve as Council members and Officers of the Town from and after the effective date of this Charter, until the successors are duly elected or appointed. At the annual Town election in 1992, two (2) Council members shall be elected to fill the vacancies created by the expiration of the terms of Office of the two (2) then-outgoing Council members. At the annual Town election in 1993, two (2) Council members, a Mayor and a Treasurer shall be elected to fill the vacancies created by the expiration of the terms of Office of the three (3) then-outgoing Council members, Treasurer and Mayor. Thereafter, the Mayor, Treasurer, and two (2) members of the Town Council shall be elected in odd years and two members shall be elected in even years.

6. Municipal Elections

6.1 Voter Qualifications. Any natural person shall be qualified to vote in any annual municipal election, special election or referendum who, on voting day shall:

(a) have attained eighteen (18) years of age;

(b) be a citizen of the United States and the State of Delaware;

(c) shall be registered under the Town's Voter Registration ordinance (if one be in effect); and

(d) shall be a resident of the Town of Odessa:

6.1.1 Determination of Voter Eligibility. The Board of Elections is responsible to determine voter qualifications as prescribed in this Charter, as provided in Sec. 6.1.

6.2 Voter Registration. The Town Council shall by ordinance provide for the registration of voters and may prescribe registration and voting places. Such ordinance shall not alter the qualifications of voters as defined in this Charter nor unduly impair the right to vote in any election.

6.3 Uncontested Election. Where there is only one official candidate for any office on the day of the annual municipal election, the official candidate shall be deemed elected thereto without the holding of such an election.

6.4 Annual Municipal Election Procedures.

(a) Notice of Candidacy. In order to be listed on the ballot for election of Mayor and Town Council members and Treasurer, each candidate shall file a written notice of intention to seek such office with the Council Secretary at least thirty (30) days prior to the date set for the election. If the Election Board (Sec. 6.4(g) determines that any candidate may not meet the qualifications for office, it shall notify the Mayor who shall call a special meeting of the Town Council to be held not less than twenty (20) days prior to the date set for the election, at which the Town Council shall decide the matter. The candidate whose qualifications are at issue shall be notified, by registered mail, of the date, time and place of the meeting, at which he or she may appear and testify. If the Town Council determines that the candidate does not meet the qualifications of office, it shall reject the notice of intention to seek office and his or her name shall not appear on the ballot. In making the determination, only those members of the Town Council who are not running for re-election shall be entitled to vote on the question.

(b) Date, Time, and Place. Annual municipal elections for the Town Council shall be held on the first Monday in April at such time and place, within the Town, as shall be determined by the Town Council. The polls shall remain open for at least a six (6) hour period to be determined by the Town Council.

(c) Notice of Elections. Public notice of any election to elect members to the Town Council shall be given by posting notice thereof in at least three (3) public places in the Town not less than forty-five (45) days before the date of such election and by publishing notice at least once in two (2) newspapers of general circulation in the Town at least forty-five (45) days before the date of the election. Such notices shall state the date, time, and place of the election as well as a description of the offices to be filled. Such notices as shall be in bold print or bordered in black in such manner as to call attention thereto. In the event that the publications and/or posting do not appear on the same date, the date of the last publication or posting shall control.

(d) Voting Machines. Elections shall be by voting machine or electronic voting system as the Town Council shall determine; provided, however, that voting machines or electronic voting systems shall be used if required by State law.

(e) Absentee Voting. Any qualified voter may vote by absentee ballot at any election.

(f) Rules Governing Conduct of Elections. The Town Council shall adopt rules, consistent with the provisions of this Charter, and with applicable state or federal law governing the conduct of elections, including absentee voting.

(g) Election Board. Every election shall be held under the supervision of an Election Board. The Election Board shall consist of three (3) Judges of Election. Such Judges shall be qualified voters of the Town and shall be appointed for that purpose by the Town Council at least forty five (45) days before such election. If, at the opening of the polls, there shall not be present any member of the Election Board, then in such case, the ranking Town officer available at the opening of the polls shall appoint a qualified voter or voters to act as a member or members of the Election Board to fill vacancies caused by such absence. Members of the Election Board shall be the sole and final judges of the conduct of the election, the legality of the votes offered, and the election results. The Election Board shall have the power to subpoena persons and records relative to the determination of the qualifications of voters and the legality of any vote or votes offered.

(h) Election Results. Upon the close of such election, the votes shall be counted by the Election Board. The persons having the highest number of votes shall be declared by the Election Board to be duly elected to such vacant offices as then exist. Persons holding office shall continue in office until their successors are duly elected and installed.

(i) Tie Vote. In the event of a tie vote for any office, the election to such office shall be determined by lot.

(j) Preservation of Records and Ballots. The custody of election records and all ballots cast shall be maintained by the Town Secretary for a minimum period of six (6) months.

(k) Election Record Book. The Election Board shall enter in an Election Record Book the complete results of the election, to be subscribed by all Election Board members. Such Book shall be preserved by the Town Council.

7. Organization of Town Council.

7.1 Oath of Office. A meeting of the Town Council shall be held on the day of and immediately following the election. Such meeting shall be held at the usual place and time for regular Town Council meetings and shall be open to the public. The newly elected Mayor, Treasurer, and other Town Council members shall assume the duties of their respective offices, being first duly sworn or affirmed to perform their duties with fidelity. Such oath or affirmation shall be taken before a Notary Public, a Justice of the Peace, the Town Alderman, or by one of the holdover Town Council members.

7.2 Duties of Mayor. The Mayor shall preside at all meetings of the Town Council and shall have a vote on all issues. The Mayor shall execute, on behalf of the Town, when authorized by Town Council majority vote, all agreements, contracts, bonds, deeds, leases, and other legal documents. The Mayor shall appoint such standing and other committees as the Town Council shall require. It shall be the duty of the Mayor to see that the ordinances, resolutions, regulations, and rules of the Town are duly executed; he or she shall perform all additional duties as are imposed by this Charter. The Mayor shall be empowered to delegate specific duties and responsibilities and to administer oaths and affirmations.

7.2.1 Emergency Powers. The Mayor shall be empowered to act on behalf of the Town, without prior Town Council approval, in the event of a sudden emergency requiring prompt action, in order to protect the public health, safety, and welfare of the Town, its inhabitants and property owners. A "sudden emergency", for purposes of this section shall include, by way of example and not in limitation, a major fire or conflagration, significant flooding, or serious storm threatening significant damage, a civic disturbance, or a toxic spill. A "sudden

emergency" shall also include any emergency situation as declared by any County, State or federal agency having jurisdiction over the Town where the scope of the emergency so declared includes the Town of Odessa.

7.3 Appointment of Secretary. At the first regular meeting in May the Council shall choose a secretary who may be removed at any time for any cause deemed sufficient by a majority of said Council. It shall be the duty of said Secretary to record all the proceedings of Council and keep a correct journal of the same in a book or books, to be provided for that purpose and also the papers relative and belonging to said Town, all of which are to be carefully preserved and delivered to his/her successor in office. His/Her compensation shall be fixed by the Council.

7.3.1. Duties of Secretary. The Secretary shall be responsible for recording the proceedings of the Town Council and for maintaining safe custody of other Town records and the Town and shall perform such other duties as directed by ordinance or the Town Council.

7.4. Duties of Treasurer. It shall be the duty of the Treasurer to attend all Town Council meetings. The Treasurer shall be responsible for maintaining custody of all Town funds in a banking institution selected by the Town Council; for deposit of all Town receipts and disbursement of Town funds in payment of bills presented for payment; for presenting an annual financial report to the Town Council at the end of the fiscal year; and for performing such other duties as directed by ordinance of the Town Council. The Treasurer, before assuming the duties of such office, shall be required to give bond with sufficient surety to the Town Council in an amount at least equal to the funds likely to be handled in the discharge of such duties. The Treasurer shall at the end of such term of office deliver to his/her successor in office all fiscal records relating to such office and all Town funds then held in the Treasurer's custody as part of the settlement of final account. The cost of said bond shall be paid out of Town funds. In case of resignation or at the expiration of the term of office an audit shall be performed.

7.5 Filling Vacancies of Appointed Officers. If a vacancy shall occur in the office of any officer appointed pursuant to Sec. 7.1 of this Charter, the successor shall be selected for the unexpired term pursuant to the procedures of Sec. 7.1.

7.6 Code of Ethics.

7.6.1 Conflict of Interest.

No Town Council member, officer, employee, or representative shall represent the Town of Odessa in any business transaction involving any corporation or other private party in which he or she has a direct or indirect financial interest.

7.6.2 Abuse of Office.

No Town Council member, officer, employee, or representative shall use his or her official position to obtain an undue, unwarranted, or unfair advantage, privilege or exception.

7.6.3 Disclosure of Information.

No Town Council member, officer, employee, or representative shall disclose to any unauthorized person, confidential information gained by reason of official position, nor shall such information be used for personal gain or benefit.

7.6.4 Contracts for Materials and Services.

(a) No Town Council member, officer, employee or representative may contract with the Town to provide personal services or materials for the benefit of the Town, nor may any corporation or other private party in which such official holds a pecuniary interest contract with the Town to provide such services or materials, except with the unanimous consent of all other Town Council members.

(b) Notice of all bids for street, sewer, or water system, installations, improvements, extensions, or repairs shall be published at least once in at least two (2) newspapers having general circulation in the Town of Odessa .

7.6.5 Competitive Bidding.

All contracts for purchase or lease of materials or services authorized by this Charter shall be consummated by competitive bidding, and each such contract shall be awarded to the lowest responsible bidder who submits a responsive bid, provided, however, that competitive bidding shall not be required where:

(a) the aggregate amount involved is not in excess of that established by ordinance;

(b) the contract is for any service to be rendered by the State of Delaware, or by any political subdivision thereof;

(c) the contract is for any service to be rendered by a university, college, or other educational institution;

(d) the contract is for property for which it is impractical to obtain competitive bids;

(e) The Town Council determines that due to an emergency or special exigency, the time required for competitive bidding is inadequate; or

(f) the Town Council determines that the bids received were:

(1) unreasonable as to all or part of the requirement; or

(2) were not independently reached in open competition.

7.7 Vacancies, Forfeiture of Office.

7.7.1 Vacancies. The position of any elected Town official shall become vacant upon death, incapacitation, resignation, movement from the Town or forfeiture of such office.

7.7.2 Forfeiture Proceedings. A forfeiture of such office shall occur when any Town Council member:

(a) is no longer qualified to hold such office;

(b) willfully violates any provision of this Charter;

(c) is convicted of any felony or crime involving moral turpitude; or

(d) fails to attend three (3) consecutive regular Town Council meetings without being excused by Town Council vote.

7.7.3 Determination Concerning Forfeiture. Where the conditions set forth in Sec. 7.7.2 (c) or (d) occur, forfeiture shall be automatic. Where the conditions set forth in Sec. 7.7.2 (a) or (b) are alleged, determination of forfeiture shall be made by the remaining Town Council members. Such decision may be made in executive session and if the Town Council determines by a majority vote that a forfeiture has occurred, it shall, within forty-eight (48) hours thereafter, provide written notice thereof to the affected Town Council member, by certified mail, return receipt requested, sufficiently posted. "Written notice" shall be deemed provided when deposited in First-Class mail with sufficient postage. The affected member shall then have ten (10) days in which to make a written demand for a public hearing before the Town Council, to be held within twenty (20) days of the written demand, at which hearing such member may appear with the assistance of counsel and present evidence to the relevant issues. The Town Council shall also hear any other relevant evidence and vote again on the question of forfeiture. A

determination of forfeiture shall be made only by unanimous vote of the Town Council members entitled to vote on the question.

7.7.4 Failure to Request Hearing as a Bar. Failure of the affected member to make written demand for a public hearing as hereinabove stated shall be an absolute bar to his or her other right to challenge the Town Council's decision. If a public hearing is held, the Town Council shall have authority to subpoena witnesses, administer oaths, take testimony, and require the production of documentary or physical evidence, all of which shall be done if requested in writing by the affected person.

7.8 Filling Vacancies. A vacancy in the office of the Mayor, Treasurer, or any other elected official shall be filled for the unexpired term by a person qualified to fill the position.

7.8.1 Procedure; Office of the Mayor. Upon the occurrence of a vacancy in the office of the Mayor, the Council shall appoint an acting Mayor who shall assume the duties and responsibilities of Mayor until such time as a new Mayor is elected and installed in office. A vacancy in the office of Mayor shall be filled for the remainder of the unexpired term at the next annual municipal election. If the next annual municipal election is to occur more than 120 days from the occurrence of the vacancy, the Town Council shall, within 24 hours of notice of the vacancy, announce the existence of the vacancy and the date and time for a special election to be held for the remainder of the term of office. Said election shall be held within 60 days of the announcement of said vacancy. Said special election shall be held pursuant to the provisions as provided in Sec. 6.4 of this Charter.

7.8.2 Other Council Members. A vacancy in the office of any council member other than Mayor shall be filled for the remainder of the unexpired term at the next annual municipal election. If the next annual municipal election occurs more than 90 days after the occurrence of the vacancy, the Town Council, by a majority vote of the remaining members in an open meeting, shall appoint a qualified person to fill such vacancy until the next annual municipal election. If the vacancy occurs within 90 days of the term of office, such vacancy shall not be filled.

7.9 Meetings.

7.9.1 Regular Meetings. The Town Council shall hold at least 11 meetings during the year. The time and place of each regular meeting shall be set by the Town Council but such meetings may be rescheduled by the Mayor as need arises, subject to the requirement of adequate public notice. All such meetings shall be open to the public.

7.9.2 Special Meetings. Special meetings of the Town Council shall be called by the Town Secretary upon the written request of the Mayor or any four (4) members of the council stating the day, hour, and place of such meeting and the subject or subjects to be considered thereat. The Secretary shall thereon give notice at least seven days prior to said meeting date to the Mayor and each member of the Council of the day, hour, and place of such special meeting and the subject or subjects to be considered thereat. Provided, however, that a written waiver of such notice, (written, telegraphic, telefacsimile or recorded telephonic message), by all members of the Council prior to or immediately at the beginning of the convening of such special meeting shall make the forty-eight (48) hour written notice unnecessary and shall authorize and make valid the holding of a special meeting at any time and for any purpose named in such waiver, or the transaction of any other business at the meeting, if the waiver so states. Subject to the scope of the notice, the Town Council of the Town shall have the same power and authority to enact all ordinances, adopt all resolutions, pass all motions, make all orders and transact all business at any such special meeting, called as aforesaid, as Council has at a regular meeting. The aforesaid procedure shall not apply to any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.

7.9.3 Suspended Meetings. The Town Council may suspend its meetings from time to time, provided that adequate public notice shall be given of the date, place, and time for the resumption of such meetings.

7.9.4 Open Meetings. All meetings of all Town governmental bodies shall be in compliance with the Freedom of Information Act, (Title 29, Chapter 100, Delaware Code), or any future corresponding provision of law.

7.9.5 Place of Meetings. All regular, special, and adjourned meetings of the Town Council shall be held within the corporate limits of the Town, except that emergency meetings may be held elsewhere. (See also, Sec. 7.10.2).

7.10 Town Council Actions.

7.10.1 Council Actions. No Town Council actions may be taken except at a duly convened meeting.

7.10.2 Rules of Procedure, Record of Proceedings. The Town Council shall determine its own rules of procedure and order of business. It shall keep a record of its proceedings which shall be open to public inspection.

7.10.3 Ordinances, Regulations, Resolutions, and Rules. The Town Council is hereby vested with the authority to adopt ordinances, resolutions, regulations, and rules relating to any subject within the powers and functions of the Town, or relating to the government of the Town, its peace and order, sanitation, beauty, health, safety, convenience and property, and to fix, impose and enforce the payment of fines and penalties for the violation of such ordinances, resolutions, regulations, or rules. No provision of this Charter on any particular subject shall be held to be restrictive of the power to enact ordinances, resolutions, regulations, and rules on any subject not specifically enumerated, provided that they do not violate State or Federal law. In addition to other acts required by law or this Charter to be done, by ordinance, the Town Council may by ordinance:

(a) adopt or amend administrative rules, or establish or reorganize any Town department, office or agency;

(b) provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;

(c) grant, renew, extend, or terminate a franchise; and

(d) amend or repeal any ordinances previously adopted.

Every ordinance shall be introduced in writing. Voting on any ordinance shall be by voice vote and the vote of each Town Council member on any ordinance shall be entered on the record. No ordinance shall be adopted unless it shall have the affirmative vote of a majority of the entire Town Council.

The Town Council shall not have the power to exempt any individual from the application of any ordinance, regulation, resolution, or rule of the Town, except as set out in this Charter or as provided by the United States Constitution or the laws of the State of Delaware. No ordinance, except in cases of emergency, shall be passed by the Council except at regular meetings and unless such ordinance has been introduced at some previous regular meeting and copies of the proposed ordinance posted in three (3) public places in said Town at least ten (10) days before final action of the Council thereon..

7.10.4 Emergency Ordinances. To meet a public emergency affecting life, health, property or the public peace, the Town Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its service, or authorize the borrowing of money except as provided in Sec. 13 of this Charter. An emergency ordinance shall be introduced in the form and manner

prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it was introduced, but the majority vote of all Town Council members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed as of the 120th day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this Subsection if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this Section for the adoption of emergency ordinances.

7.10.5 Quorum. Three (3) members of the Town Council shall be present in order to constitute a quorum to conduct business. Council decisions shall require voting approval of a majority of the entire Council.

7.10.6 Vote Necessary to Carry Action. All powers of the Town Council, whether expressed or implied, shall be exercised in the manner provided herein, or if not prescribed herein, then by ordinance or resolution. In the general performance of their duties, the acts, doings and determinations of a majority of the entire Council shall be as good as the acts, and determinations of all the members of the Council.

7.10.7 Compensation of Council Members. Each Town Council member may receive compensation for services to the Town as may be prescribed by ordinance.

7.11 Succession of Authority. In the event that the Mayor is absent or incapable of assuming responsibilities, such responsibility shall be carried out by the following Town officials in the following order: 1) Each of the remaining Council members in order of seniority in years of Council service, 2) Treasurer, 3) Secretary.

8. Appointed Officers.

8.1 Town Manager.

8.1.1 Appointment and Removal. Pursuant to ordinance the Town Council, by a majority vote of all members, may appoint a Town manager who shall be the chief managerial administrative officer of the Town. The terms and conditions of such employment shall be included in a written agreement between the Town Council and the Town Manager. The Town Manager shall be appointed solely on the basis of professional, executive, and administrative qualifications and experience. Such person need not, when appointed, be a resident of the State of Delaware, but shall, within six (6) months thereafter, as a condition of employment, become domiciled within the State of Delaware no farther than thirty (30) miles from the Town of Odessa. No member of the Town Council shall, during the term for which elected, be eligible to serve as Town Manager. The Town Manager shall be removable from such office as provided by ordinance or the terms of a written agreement between the Town Manager and the Town of Odessa. In case of the temporary absence, disability, or other interruption of service of the Town Manager, the Town Council may designate some other competent person to perform the duties of the office during such period.

8.1.2 Functions and Duties of Town Manager. By ordinance.

8.2 Town Solicitor. The Town council shall appoint a Town Solicitor who shall be removable at the pleasure of the Town Council. The Solicitor shall be a member in good standing of the Bar of the State of Delaware. It shall be the Solicitor's duty to give legal advice to the Town Council, the Town Manager, and other officers of the Town, and to perform such other legal services as may be required by the Town Council.

8.3 Other Officers and Employees.

8.3.1 Appointment and Employment. The Town Council may appoint or employ such other officers and employees deemed necessary for the proper management of the Town.

8.3.2 Termination of Appointment or Employment. The Town Council may at any time terminate the service of any Town officer or employee unless otherwise proscribed by the terms of a written contract, a written personnel policy, a written personnel or merit system, a written grievance of disciplinary procedure adopted by the Town Council.

Where an officer or employee appeals a notice of termination, the Town Council shall hold a special meeting to hear the appeal.

8.4 Compensation. The Town Council shall by ordinance or resolution fix the amount of any compensation of the officers, employees and representatives of the Town, as well as reimbursement for actual and necessary expenses incurred by them in the performance of their duties.

8.5 Personnel Records. The Town Council shall maintain a full and complete record of all officers, employees and representatives hired by the Town, containing the names of such persons, the date of their employment, job descriptions, compensation paid and the date of termination of their services.

9. Assessment of Taxes.

9.1. Adoption of New Castle County Assessment. The Town Council shall use the assessment by the New Castle County Board of Assessment for all property located within the corporate limits of the Town in lieu of making its own independent valuation and assessment of such property. The assessed values established by New Castle County shall be conclusive for purposes of levying Town taxes, and the Town Council shall have no authority to hear appeals regarding same.

9.1.1 Addition to Tax Bills. The Town Council shall annually, prior to the posting of the assessment list, by resolution, provide for the Mayor/Town Manager, a list of any and all charges, costs or other assessments owed to the Town, which list of charges incurred shall include, but not be limited to, the following: Water assessments, weed and grass cutting bills, trash collection bills and past due water rents.

9.2 Assessment Appeals.

9.2.1 Authorization of Appeal. Any aggrieved property owner may appeal his property assessment to New Castle County.

9.2.2 Posting of Assessment List; Notice. By May 1 of each year, the Town Council shall cause a complete list indicating the amount assessed to each property, to be made available for public inspection at three (3) public places and at the Town Office for a period of at least thirty (30) days.

10. Levy of Taxes, Fees and Other Charges.

10.1 Establishment of Balanced Budget. After the assessment process has been completed, the Town Council shall establish an annual balanced operating budget for the ensuing fiscal year, including sufficient revenue to meet the fixed and anticipated expenses and obligations of the Town, reasonable and appropriate reserves and a reasonable amount to cover emergencies.

10.2 Determination of Revenue Sources. The Town Council shall determine the appropriate revenue sources within the limits prescribed by this Charter, with respect to the amount to be raised from each such source. They shall then determine, assess, fix and/or levy as follows:

10.2.1 Real Estate and Improvements. The rate of tax on real estate including improvements thereon per one hundred dollars ($100.00) of the assessed value; and/or

10.2.2 Real Estate Transfer Tax. Appropriate transfer taxes to be charged upon the transfer of real property, or any interest in real property, situate within the corporate limits of the Town, provided, however, that no tax levied under this section shall exceed one percent (1%) of the sales price (including the value of any assumed mortgage or mortgages) or fair market value of the real property so transferred; and provided further that no tax shall be levied upon an organization exempted from advalorem real estate taxes; and/or

10.2.3 License Fees. Appropriate license fees to be charged for carrying on or conducting of the several businesses, professions or occupations as authorized by Section 4.2.35 of this Charter; and/or

10.2.4 Municipal Services. Appropriate charges for services authorized by the Town Council; and/or

10.2.5 Other Services. The fees or rates to be charged in respect to any other authorized source of revenue; and/or

10.2.6 Business Taxes. Appropriate taxes on the gross receipts of any business activity, as defined by the Town Council, conducted within the corporate limits of the Town.

10.3 Levy of Real Property Tax. The setting of the tax rate by Town Council resolution shall constitute the levy of such taxes and charges in accordance with the assessment list (subject to any pending assessment appeals to the Superior Court).

10.4 Special Assessment. The Town Council is empowered to levy a special assessment against any or all real property situated within the corporate limits of the Town, when determined by the Council to provide a necessary public work improvement or municipal service. Such assessments shall be duly collected, the proceeds of which shall be applied for the payment of the cost of such work, improvement, or service, provided, however, that if such assessment shall apply to all properties within the Town, it shall first be approved by majority vote of the Town voters in a special election (Sec. 10.4.1).

10.4.1 Procedure: Notice: Hearing: Special Election for Special Assessment. In order to proceed under the powers granted in this Section, the Town Council shall authorize such borrowing in the following manner:

(a) the Town Council, by resolution, shall give notice to the voters of the Town that the Town Council proposes to levy a special assessment against any or all real property situated within the corporate limits of the Town. The resolution shall state the amount of money desired, the purpose for which it is desired, and all other pertinent facts relating to the assessments which are deemed pertinent by the Council in its possession at the time of the passage of the resolution and shall fix a time and place for a public hearing on the said resolution;

(b) notice of the time and place of the public hearing on the resolution authorizing the special assessment shall be published at least once in at least two (2) newspapers having a general circulation in the Town not less than thirty (30) days nor more than forty-five (45) days prior to the public hearing. In addition to such publication, the Town Council shall cause notices to be posted in at least three (3) public places in the Town of Odessa, not less than thirty (30) days, and not more than forty-five (45) days prior to the day set for the public hearing. Notices concerning such public hearings shall be in bold print or bordered in black, in such manner as to call attention thereto;

(c) If, following the public hearing, the Town Council determines to proceed with the proposed special assessment, it shall pass a second resolution ordering a special election, to be held not less

than thirty (30) days, nor more than sixty (60) days after the said public hearing relating to the special assessment. The passage of the second resolution calling a special election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue; provided, however, that if the annual municipal election is to be held within 120 days of the date of the resolution adopted by the Town Council pursuant to this section, the election on the proposed special assessment may be held in conjunction with the annual municipal election and all provisions hereof shall be construed and applied accordingly;

(d) the notice of the time and place of holding such special election shall be printed in one issue of two (2) newspapers having general circulation in the Town of Odessa, not less than thirty (30) days, nor more than forty-five (45) days prior to the special election, in addition to such publication, the Town shall cause to be posted in at least three (3) public places in the Town of Odessa, not less than thirty (30) days and not more than forty-five (45) days prior to the special election, public notices concerning the special election, in addition to the time and place of the special election, such notices shall contain the same information as required under this Sec. 10.4.1(a), and shall be in bold print or bordered in black, in such manner as to call attention thereto;

(e) at such special election, any person who is entitled to vote in the annual municipal election, if it were held on that day, shall be entitled to one (1) vote. (For purposes of this section, "entitled to vote" shall include "registered to vote" if voter registration is required for the annual election); any special election held pursuant to the provisions of this section shall be conducted by voting machines or electronic voting systems as permitted by law which shall have the following designation:

( ) For the proposed Special Assessment

( ) Against the proposed Special Assessment

The Mayor of the Town of Odessa, by and with the advice and consent of the majority of the Town Council, shall appoint three (3) persons to act as a Board of Special Election. The polling place shall be opened for a minimum of six (6) hours, as specified by resolutions of the Town Council. Persons in the polling place at the time scheduled for closing of the polls shall be entitled to vote;

(f) The Board of Special Election shall be the sole and final judge of the legality of the votes offered at such special election. It shall keep a true and accurate list of all persons voting. It shall count the votes "for" and "against" the proposed special assessment and shall announce the result thereof. The Board of Special Election shall execute a certificate of the number votes cast "for" and "against" the proposed Special Assessment and shall announce the result thereof. The Board of Special Election shall execute a certificate of the number of votes cast "for" and "against" the proposed Special Assessment and the number of void votes, and shall deliver the same to the Town Secretary; said certificates shall be retained by the Secretary, with the other records of the Town;

(g) If a majority of the votes cast at such special election shall be in favor of such special assessment, the Town Council shall proceed with the special assessment.

10.5 Limitation on Taxes. The total amount of money to be raised by real property taxes and special taxes levied or imposed in connection with any municipal bond (Sec. 13.2.7), shall in no year exceed two percent (2%) of the total appraised valuation of all taxable real estate (and improvements thereon) in the Town.

10.6 Savings Clause. Nothing contained in this Charter shall be construed to affect or impair, in any way, the validity of any tax, fee, assessment or other charge lawfully levied, assessed or due the Town of Odessa under existing laws in reference to said Town.

11. Collection of Taxes, Fees, Special Assessments and Other Charges.

11.1 Collection by Treasurer.

(a) After the Town Council shall have set the real estate tax rate pursuant to Sec. 10.2.1; the Treasurer or duly appointed Tax Collector, shall proceed to collect the taxes so levied.

(b) The Treasurer shall collect the additional taxes, fees, special assessments, and charges fixed pursuant to Sec. 10.2.

11.2 Posting of Charges. The Town Council prior to posting the assessment list, shall provide annually by resolution for the Treasurer, a list of any and all charges, costs or other assessments owed to the Town, which list of charges shall include but not be limited to, the following: weed and grass cutting bills, trash collection bills.

11.3 Lien. All taxes, fees, and other charges imposed by the Town shall be and constitute a lien, for a period of ten (10) years from the date so levied, upon the real estate against which such charges are imposed. In the case of a life estate, the interest of the life tenant shall first be liable for the payment of any charges so levied. Such lien shall have preference and priority over all other prior liens on such real estate, although such lien or liens be of a time and date prior to the time of attaching of such lien for taxes, fees, and other charges.

11.4 Due Date. All taxes and other charges, when and as collected by the Treasurer, shall be paid to or deposited to the credit of the Town of Odessa in federally insured banking institutions approved by the Town Council. All taxes shall be due and payable at and from the time the tax rate is set pursuant to Sec. 10.2.1.

11.5 Payment. All taxes and other charges shall be payable to the Treasurer of the Town of Odessa.

11.6 Penalty for Late Payment, Collection Fee. All taxes and other charges, unpaid on such date as specified by ordinance, shall be considered delinquent. On such delinquencies, an appropriate penalty shall be imposed by the Town Council except that the Town Council may make just allowances. In addition, a collection charge, reasonably calculated to recover the cost of such collection, may be imposed.

12. Remedies, Powers and Methods for Collection of Taxes and Other Charges Due to the Town.

12.1 Prior Notice. Before exercising any of the powers hereinafter given for the collection of taxes and other charges, written notice of the amount due shall be sent to the delinquent taxpayer at his/her last known address.

12.2 Debt Action. When any tax or other charge has become delinquent, the Treasurer may, in the name of the Town of Odessa, institute suit before any court of competent jurisdiction for the recovery of the unpaid amount in an action of debt. Upon judgment obtained, the Treasurer may sue out writs of execution as in the case of other judgments recovered before any court of competent jurisdiction provided, however, that as to any personal property of the delinquent taxpayer located in New castle County and levied upon by the Sheriff within sixty (60) days after the writ of execution was delivered into his or her hands, the lien of judgment shall have priority over all other prior liens against such personal property created or suffered by the delinquent taxpayer (excepting only the liens of the Federal, State or New Castle County governments).

12.3 Sale of Lands. Should the Treasurer so elect, and without the necessity of employing any or all of the other remedies provided herein, the Treasurer is authorized and empowered to sell the lands and tenements of a delinquent taxpayer or the lands and tenements alienated by a delinquent taxpayer subsequent to the levy of the tax by the following procedure:

12.3.1 The Treasurer shall present in the name of the Town of Odessa to the Superior Court of the State of Delaware, in and for New Castle County, a petition in which shall be stated:

(a) the name of the person owing payment;

(b) the year for which tax or other charge was levied, assessed or charged;

(c) the rate of tax, assessment, or other charge;

(d) the total amount due;

(e) the date from which the penalty of nonpayment, if any, shall commence and the rate of such penalty and any collection charge permitted;

(f) a short description of the lands and tenements proposed to be sold, sufficient to reasonably identify same;

(g) a statement that the bill of said tax, assessment or other charge has been mailed to the delinquent taxpayer at his or her last known post office address with return receipt requested by certified mail and postage prepaid, together with a notice that the Treasurer will proceed to sell the lands and tenements of the delinquent taxpayer for payment of the tax, assessment, or other charge due the Town; and the date of such mailing; and

(h) the petition shall be signed by the Treasurer and shall be verified before a Notary Public.

12.3.2 At least ten (10) days prior to the filing of any such petition as described herein, the Treasurer shall deposit in the mail in a sealed and stamped envelope and addressed to the delinquent taxpayer at his or her last known address requiring a return receipt, an itemized statement of the tax, or other charge due, together with all penalties, collection charges, and costs then due thereon, together with a notice to the delinquent taxpayer that he or she shall proceed to sell the lands and tenements of such taxpayer for the payment of the tax or other charge. The Treasurer shall exhibit the return registry receipt to the Court by filing the same with the petition; provided, however, that if the taxpayer cannot be found, or if delivery is refused, it shall be sufficient for the Treasurer to file with said petition evidence that such statement has been mailed in accordance with this subsection and has been returned.

12.3.3 Upon the filing of the petition, the Prothonotary shall record the same in a properly indexed record of the Superior Court, in and for New Castle County, and shall endorse upon the said record of said petition the following:

> This petition, filed the _____day of _____A.D._____. (giving year and date) and the Treasurer of the Town of Odessa is hereby authorized to proceed to sell the lands and tenements herein mentioned or a sufficient part thereof as may be necessary for the payment of the delinquent amount. This endorsement shall be signed by the Prothonotary.

12.3.4 Any sale of lands and tenements of a delinquent taxpayer shall be advertised in three (3) public places in the Town of Odessa, one (1) of which shall be on the premises to be sold and by printing the notice of said sale at least one (1) time in a newspaper of general circulation in the Town. The notice shall contain the day, hour, place of sale and a short description of the premises sufficient to identify the same. The handbills shall be posted at least fifteen (15) days before the day of the sale.

12.3.5 Each sale of lands and tenements shall be returned to the Superior Court of the State of Delaware, in and for New Castle County at the next Motion Day thereof following the sale, and the Court shall inquire into the circumstances and either approve or set aside the

sale. If the sale be set aside, the Superior Court may order another sale and so on until the tax be collected. No sale shall be approved by the Superior Court if the owner be ready at court to pay the taxes, penalty, collection fees and costs. If the sale be approved, the Town Manager making the sale shall execute a deed to the purchaser which shall convey the right, title and interest of the delinquent taxpayer or his alienee; provided however, that no deed shall be delivered to the purchaser until the expiration of one (1) year from the date of the sale within which time the taxpayer or his alienee, heirs, executors, administrators or assigns, shall have the power to redeem the lands on payment to the purchaser, his personal representatives or assigns of the costs, the amount of the purchase price, plus twenty percent (20%), and the expense of having the deed prepared. All taxes assessed after the sale and before the delivery of the deed shall be paid by the purchaser at said sale who shall be reimbursed by the delinquent taxpayer in the event of redemption to which shall be added twenty percent (20%) thereon.

In the event the purchaser refuses to accept the same, or in the event he or she, or his or her heirs or assigns, cannot be located within the State of Delaware, it shall be lawful for the owner, his or her heirs, executors, administrators, and assigns, to pay the redemption money to the Treasurer and upon obtaining from him or her a receipt therefor, such receipt shall be considered for all intents and purposes a valid and lawful exercise of the power to redeem the said lands.

In the event the lands have not been redeemed within the redemption year, the Treasurer shall deliver to the purchaser, his or her heirs, executors, administrator, or assigns, a deed which shall convey the title of the delinquent taxpayer(s).

The petition, return and deed shall be presumptive evidence of the regularity of the proceeding.

12.3.6 After satisfying the tax or other charge due and the costs and expenses of sale from the proceeds of sale, the amount remaining shall be paid to the owner of the land. If he or she shall refuse to accept said remainder, or if the owner be unknown or cannot be found, the amount remaining shall be deposited in a bank either to the credit of the owner or in a manner in which the fund may be identified.

12.3.7 In the sale of the lands and tenements for the payment of delinquent taxes or other charges, the following cost shall be allowed to be deducted from the proceeds of the sale or chargeable against the owner, as the case may be, in the amount customarily charged:

(a) to the Prothonotary for filing and recording the petition;

(b) for filing and recording the return of sale; and

(c) to the Treasurer for: (1) preparing the certificate, (2) making the sale of lands and tenements, (3) preparing and filing a return, and (4) posting sale bills; and

(d) attorneys' fees.

In addition, the costs of printing handbills, the publication of the advertisement of sale in a newspaper, and the auctioneer's fee, if any, shall be chargeable as costs. The costs of the deed shall not be chargeable as costs, but shall be paid by the purchaser of the property of the delinquent taxpayer. The total of any Delaware transfer tax shall be paid by the purchaser of said lands and tenements at the tax sale.

12.3.8 If the owner of any lands and tenements against which a tax or other charge shall be levied and assessed shall be unknown, this fact shall be stated in the advertisement of sale and in the petition to the Court.

12.3.9 If any person be assessed for several parcels of land and tenements in the same assessment in the Town of Odessa, the total of

said taxes or other charges may be collected from the sale of any part or portion of said lands and tenements.

12.3.10 In the event of death, resignation, or removal from office of the Treasurer of the Town of Odessa before the proceedings for the sale of lands shall have been completed, the successor in office shall succeed to all powers, rights, and duties in respect to said sale. In the event of the death of the purchaser at said sale prior to receiving a deed for the property purchased thereat, the person having right by consent, devise, assignment or otherwise, may file with to the Superior Court of the State of Delaware, in and for New Castle County, a petition representing the facts and praying for an order authorizing and requiring the Treasurer to execute and acknowledge a deed conveying to the petitioner the premises so sold, and thereupon the Court may make such order adjudging the conveyance of the premises as shall be according to justice and equity.

12.3.11 The Treasurer shall have the same right to require the aid or assistance of any person or persons in the performance of the Treasurer's duty of sale which the Sheriff of New Castle County now has by law or may hereafter have.

13. Borrowing Powers.

13.1 Short-Term Borrowing, Voter Approval not Required. The Town Council shall have the power to borrow money on the full faith and credit of the Town, without approval of the voters and without regard to the provisions of Section 13.2 of this Charter, such principal sum or sums not exceeding in the aggregate fifty thousand dollars ($50,000.00), for general purposes only when, in the opinion of the majority of the Town Council, the needs of the Town require it; provided, however, that any new borrowing under this Section made after the effective date of this act shall, by their terms, be repayable in full within five (5) years of the date of each such borrowing. Any sum or sums so borrowed shall be secured by a promissory note or notes or other evidence of indebtedness of the Town Council duly authorized by resolution of the Town Council and signed by the Mayor and attested by the Secretary of the Town with the Town Seal affixed. No Town Council member shall be liable for the payment of any such note or any other evidence of indebtedness because it is signed by such Town Council member, provided that such signature be authorized by resolution of the Town Council. Such notes or evidences of indebtedness and the interest thereon shall be exempt from all taxation by the State of Delaware, its agencies and political subdivisions. Any sum(s) of money borrowed on the full faith and credit of the Town shall be repaid from the general funds of the Town. At no time shall the amount of outstanding principal from any such borrowing or borrowings under this Section exceed the sum of fifty thousand dollars ($50,000.00).

13.2 Long-Term Borrowing, Voter Approval Required. In addition to other borrowing powers granted to the Town under this Charter or by State law, the Town Council shall have authority to borrow money for any proper municipal purpose through the issuance of bonds or other evidence of indebtedness to secure the repayment thereof, on the full faith and credit of the Town, or such other security or securities as the Town Council shall elect, for the payment of principal thereof and interest due thereon.

13.2.1 Proper Municipal Purpose. By way of illustration and not in limitation, "any proper municipal purpose" includes, but is not limited to:

(a) refunding any or all outstanding bonds or other indebtedness of the Town at the maturity thereof or in accordance with any callable feature or provision contained therein;

(b) erecting, extending, enlarging, maintaining or repairing any plant, building machinery or equipment for the manufacture, supplying or distribution of water, sewerage or drainage system, or any of them, and the condemning or purchasing of any lands, easements, and rights-of-way which may be required therefor;

(c) constructing, paving, laying out, widening, extending repairing and maintaining of curbing and gutters, including storm

sewers along the same and the condemning or purchasing of lands, easements or rights-of-way which may be required therefor;

(d) constructing, laying out, widening, extending, repairing and maintaining piers, bulkheads, cross walks, embankments, and the condemning or purchasing of any lands, easements, or rights-of-way which may be required therefor;

(e) defraying the costs to the Town of any other municipal improvement provided for or authorized or implied by the provisions of this Charter; and

(f) paying all expenses deemed necessary by the Town Council for the issuance of said bonds or other evidence of indebtedness, including bond discount and legal expenses of bond counsel.

13.2.2 Exempt from Taxation. All bonds or other kinds or forms of evidence or evidences of indebtedness issued by the Town pursuant to the provisions of this Section, and the interest thereon, shall be exempt from all State, County, or Municipal taxes.

13.2.3 Limit of Aggregate Long-Term Indebtedness. In no event shall the indebtedness of the Town of Odessa, authorized by this Section, at any one time exceed, in the aggregate, five percent (5%) of the appraised value of all real property within the corporate limits of the Town and subject to assessment for the purpose of levying the annual taxes as provided in this Charter.

13.2.4 Procedure: Notice, Hearing, Special Election. In order to proceed under the power granted in this Section, the Town Council shall authorize such borrowing in the following manner:

(a) the Town Council, by resolution, shall give notice to the voters of the Town that the Town Council proposes to borrow a certain sum of money for a stated municipal purpose. The resolution shall state the amount of money desired to be borrowed, which may be stated as a "not to exceed" amount, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the loan which are deemed pertinent by the Council and in its possession at the time of the passage of the resolution and shall fix a time and place for a public hearing on the said resolution.

(b) notice of the time and place of the public hearing on the resolution authorizing said loan shall be published at least once in at least two (2) newspapers having general circulation in the Town not less than thirty (30) days nor more than forty-five (45) days period to the day set for the public hearing. In addition to such publication, the Town Council shall cause to be posted, in at least three (3) public places in the Town of Odessa , not less than thirty (30) days and not more than forty-five (45) days prior to the date set for the public hearing and notices concerning such public hearings; such public notice shall be in bold print, in such manner as to call attention thereto, and shall contain the purpose for which the loan is desired and the manner of securing the same, plus all other pertinent facts relating to the loan. The last date of publication or posting shall control.

(c) if at any time following the public hearing, the Town Council determines to proceed with the proposed borrowing it shall pass a second resolution ordering a special election, to be held not less than thirty (30) nor more than sixty (60) days after the said public hearing, to borrow the said money. The said special election shall be for the purpose of voting for or against the proposed loan. The passage of the second resolution calling a special election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue;

(d) the notice of the time and place of holding such special election shall be printed in two (2) consecutive issues of two (2) newspapers having general circulation in the Town of Odessa not less than thirty (30) days nor more than forty-five (45) days prior to the special election; such public notice shall be in bold print, in such

manner as to call attention thereto and the last date of publication or posting shall control; in addition to such publication, the Town Council shall cause to be posted in at least three (3) public places in the Town of Odessa, not less than thirty (30) days and not more than forty-five (45) days prior to the special election, public notices concerning the special election; in addition to the time and place of the special election, such notices shall contain the same information as required under Sec. 13.2.4(a) above;

(e) at such special election, any person who is entitled to vote in the annual municipal election, if it were held on that day, shall be entitled to one (1) vote. (For purposes of this section "entitled to vote" shall include "registered to vote" if voter registration is required for the annual municipal election); any special election held pursuant to the provisions of this Section shall be conducted by voting machines or electronic voting systems as permitted by law which shall have the following designation:

( ) For the proposed borrowing

( ) Against the proposed borrowing

The Mayor of the Town of Odessa, by and with the advice and consent of the majority of the Town Council, shall appoint three (3) persons to act as a Board of Special Election. The polling place shall be opened for a minimum of six (6) hours, as specified by resolution of the Town Council. Persons in the polling place at the time scheduled for closing of the polls shall be entitled to vote;

(f) the Board of Special Elections shall be the sole and final judge of the legality of the votes offered at such special election. It shall keep a true and accurate list of all persons voting. It shall count the votes for and against the proposed borrowing and shall announce the result thereof. The Board of Special Election shall execute a certificate of the number of votes cast for and against the proposed borrowing and the number of void votes and shall deliver the same to the Secretary; said certificate shall be retained by the Secretary, with the other records of the Town;

(g) if a majority of the votes cast at such special election shall be in favor of such borrowing, the Town Council shall proceed with the issuance of the said bonds or evidences of indebtedness.

13.2.5 Forms of Bonds. The form of the bonds or evidences of indebtedness, attached coupons, if any, the time or times of payment, the interest rate, the classes, the series, the maturity date, the registration and any callable or redeemable feature, the denomination, the name thereof and any other relative or appurtenant matter pertaining thereto shall all be determined by the Town Council after said special election.

13.2.6 Public or Private Sale. Bonds may be sold at either public or private sale. If the bonds shall be offered for public sale, they shall be sold to the best and most responsible bidder(s) therefor after advertisement in a manner to be prescribed by the Town Council for at least one (1) month before offering the same for sale.

13.2.7 Provision for Payment: Special Tax, Sinking Fund.

The Town Council shall provide for the payment of interest and principal on the said bonds or evidences of indebtedness at the maturity thereof. The Council is authorized and empowered, at its discretion, to levy a special tax upon all the real estate within the Town, or only upon such real estate as is directly benefited by the improvements paid for by the proceeds of such borrowing, to pay interest and/or principal; and at its discretion, to establish a sinking fund adequate to the redemption, at or before maturity, of all bonds or evidences of indebtedness which may be issued under the provisions of this Section; provided, that the amount to be raised under any special tax for this purpose shall not, in any one (1) year, exceed a sum equal to five (5) percent of the total of such indebtedness.

The special tax provided for in this Section shall be collected from the owners of real estate in the same manner as other taxes levied by the Town Council are collected. The Town Council may also appropriate and set aside for such sinking fund as much of the general funds of said Town as it may from time to time think advisable. The sinking fund provided for by this Section shall be deposited in federally insured accounts in a bank, trust company, or other banking institution until such time as it may be needed for the redemption of the bonds.

13.2.8 Full Faith and Credit Unless Otherwise Stated.

Unless any such bond(s) or evidence(s) of indebtedness shall provide otherwise, the full faith and credit of the Town of Odessa shall be deemed to be pledged for the due payment thereof and the interest thereon issued under the provisions of this Section when the same shall have been properly executed and delivered for value, notwithstanding any other provisions of this Charter.

13.2.9 Statute of Limitations.

No action contesting any proceeding conducted or action taken by the Town Council hereunder regarding the authorization of any bond(s) or evidence(s) of indebtedness issued under this Section shall be brought after the expiration of sixty (60) days from the date of a notice published at least once in at least two (2) newspapers, one (1) of which shall be of general circulation in the Town of Odessa and one (1) of which shall be of general circulation in the State of Delaware, which notice shall announce the following information:

(a) that the Town Council has determined to borrow a certain sum of money and to issue bonds or evidences of indebtedness therefor;

(b) that the proposal has been approved by a majority of those casting votes at a special election in the Town called for the purpose of voting for or against the borrowing;

(c) the amount of money to be borrowed;

(d) the purpose for which it is to be borrowed; and

(e) that any person desiring to challenge the authorization of such bond(s) or evidence(s) of indebtedness must bring his or her action within sixty (60) days from the date of publication of such notice or forever be barred from doing so.

In the event that two (2) newspapers do not publish the notice on the same date, the date of the last publication shall control. Such notice shall be in bold print in such manner as to call attention thereto.

14. Use of Town Monies.

The Town Council shall have full power and authority to use the money in the Treasury of the Town, or any portion thereof, from time to time, for the improvement, benefit, protection, ornamentation, and best interest of the Town, as the Council may deem proper, and to use Town money to accomplish and carry into effect all acts and things which it has power to do by virtue of the Laws of Delaware, this Charter and all ordinances and resolutions enacted by Town Council.

14.1 Proposed Capital Expenditure. Any proposed capital expenditure of Town funds in an amount exceeding $25,000.00 shall first be submitted for approval by the qualified voters of the Town in a special election. Funds derived from long-term loans (Sec. 13.2) are not subject to this requirement.

14.2 Procedure: Notice, Hearing, Special Election.

In order to proceed under the power granted in this Section, the Town Council shall propose the expenditure of an amount exceeding $25,000.00 in the following manner:

(a) The Town Council, by resolution, shall give notice to the voters of the Town that the Town Council proposes to spend monies in excess of $25,000.00 for a stated municipal purpose. The resolution shall state the amount of money which may be stated as a 'not to exceed' amount, the purpose for which it is desired, the manner of securing the same, and all other pertinent facts relating to the expenditure which are deemed pertinent by the council and in its possession at the time of the passage of the resolution and shall fix a time and place for a public hearing on the said resolution;

(b) notice of the time and place of the public hearing on the resolution authorizing the expenditure shall be published at least once in at least two (2) newspapers having a general circulation in the Town not less than thirty (30) days nor more than forty-five (45) days prior to the day set for the public hearing. In addition to such publication, the Town Council shall cause to be posted, in at least three (3) public places in the Town of Odessa not less than thirty (30) days and nor more than forty-five (45) days prior to the day set for the public hearing, notices concerning such public hearings; such public notice shall be in bold print in such manner as to call attention thereto, and shall contain the purpose of the expenditure and all pertinent facts relating to the expenditure. The last date of publication or posting shall control.

(c) If, at any time, following the public hearing, the Town Council determines to proceed with the proposed expenditure, it shall pass a second resolution ordering a special election to be held not less than thirty (30) days nor more than sixty (60) days after the said public hearing, to make the expenditure.

The said special election shall be for the purpose of voting for or against the proposed expenditure. The passage of the second resolution calling for a special election shall ipso facto be considered the determination of the Town Council to proceed with the matter in issue, provided, however, that if the annual municipal election is to be held within 120 days of the date of the resolution adopted by the Town Council pursuant to this section, the election on the proposed expenditure may be held in conjunction with the annual municipal election and all provisions hereof shall be construed and applied accordingly.

(d) the notice of the time and place of holding such special election shall be printed in one (1) issue of two (2) newspapers having general circulation in the Town of Odessa not less than thirty (30) days nor more than forty-five (45) days prior to the special election; such public notice shall be in bold print as to call attention thereto and the last date of publication or posting shall control; in addition to such publication the Town Council shall cause to be posted in at least three (3) places in the Town of Odessa , not less than thirty (30) days nor more than forty-five (45) days prior to the special election, public notices concerning the special election; in addition to the time and place of the special election, such notices shall contain the same information as required under Sec. 14.1 (a) above;

(e) at such special election, any person who is entitled to vote in the annual municipal election, if it were held on that day, shall be entitled to one (1) vote. (For purposes of this section, 'entitled to vote' shall include 'registered to vote' if voter registration is required for the annual municipal election); any special election held pursuant to the provision of this Section shall be conducted by voting machines or electronic voting systems as permitted by law which shall have the following designation:

( ) For the proposed expenditure

( ) Against the proposed expenditure

The Mayor of the Town of Odessa, by and with the advice of the Town Council, shall appoint three (3) persons to act as a Board of Special Election, the polling place shall be opened for a minimum of six (6) hours, as specified in the resolution of the Town Council. Persons in the polling place at the time scheduled for closing of the polls shall be entitled to vote;

(f) the Board of Special Election shall be the sole and final judge of the legality of the votes offered at such election. It shall keep a true and accurate list of all persons voting. It shall count the votes for and against the proposed expenditure and shall announce the result thereof. The Board of Special Election shall execute a certificate of the number of votes cast for and against the proposed expenditure and the number of void votes and shall deliver the same to the Secretary; said certificate shall be retained by the Secretary, with the other records of the Town.

15. Biannual Audit.

The Town Council shall retain, every two years and when a different Treasurer is elected or appointed, a certified public accountant to be the Auditor of Accounts of the Town of Odessa. It shall be the duty of the Auditor to audit the accounts of the Town and all its officers whose duties involve the collection, custody and disbursement of Town monies. The Auditor shall audit the books of the Alderman and the Assistant Alderman and the records of all fines, penalties, costs imposed or collected by them pursuant to any judgment, order or decree made, the Auditor shall, on or before expiration of 120 days after the end of each fiscal year, make and deliver a detailed report of all accounts, records, and books examined and audited by such Auditor which report shall be available for public inspection. Notice of the filing of the Auditor's report shall be published at least once in a newspaper of general circulation in the Town of Odessa within thirty (30) days of its receipt by the Town Council. The Auditor, in the performance of official duties, shall have access to all records and accounts of the Town.

16. Alderman's Court.

16.1 Appointment. The Town Council may by majority vote appoint a suitable person to serve as Alderman who shall serve for a term of two (2) years, or until a successor is duly appointed, subject, however to being removed from office for just cause at any time by majority vote of the Town Council. The Town Council may, in addition, appoint an Assistant Alderman subject to the conditions.

16.2 Qualifications. Any person appointed to serve as Alderman or Assistant Alderman shall be at least twenty-five (25) years of age, a United States citizen of good character and reputation, and shall reside in Delaware no further than thirty (30) miles from the corporate limits of the Town of Odessa. Such person shall not be a member of the Town Council, an officer, or any employee of the Town of Odessa.

16.3 Oath of Office. Before entering upon the duties of such office, the persons appointed to serve as Alderman and Assistant Alderman shall be sworn or affirmed by the Mayor to perform the duties of such office honestly, faithfully and diligently.

16.4 Duties. It shall be the duty of the Alderman and Assistant Alderman to enforce the law in event of breaches of the peace, offenses and violations of the Town Charter, Town ordinances, and the Constitution and Laws of the State of Delaware, by the imposition of appropriate penalties.

16.5 Jurisdiction. The Alderman and Assistant Alderman shall have jurisdiction and cognizance of all such breaches of the peace, offenses and violations committed within the corporate limits of, or within (1) one mile of the corporate limits of the Town of Odessa, provided that they shall have no jurisdiction over any dispute between or among private parties. The Alderman and Assistant Alderman shall be authorized and empowered to arrest, hold for bail, set bail, impose fines or imprison offenders for any such breach of the peace, offense or violation in accordance with appropriate penalties, provided, however that the maximum penalty which the Alderman or Assistant Alderman may impose shall not exceed the limits

established by the Town Charter, Town ordinances, and the laws of the State of Delaware.

Neither the Alderman nor the Assistant Alderman shall be authorized to impose any fine in excess of $500.00, exclusive of costs, nor imprisonment for more than thirty (30) days, or both.

16.6 Costs. The Alderman and Assistant Alderman may, in addition to any fine or term of imprisonment permitted to be imposed, assess and collect such costs as are set by an ordinance enacted by the Town Council, provided that no such costs may be imposed which are in excess of those which may be imposed by a Justice of the Peace for like services.

16.7 Alderman's Docket. Appropriate enforcement records shall be provided for the use of the Alderman and the Assistant Alderman. Such records shall be known as the 'Alderman's Docket'. The Alderman and Assistant Alderman shall record all official acts and proceedings in the Alderman's Docket.

16.8 Monthly Report to Town Council. The Alderman and Assistant Alderman shall prepare and submit a monthly report to the Town Council reporting all fines, penalties, and costs imposed during the preceding calendar month and shall pay to the Treasurer of the Town all such fines and costs at such times as the Town Council shall direct. They shall submit periodic reports as required by the State of Delaware.

16.9 Compensation. The Alderman and Assistant Alderman shall receive such compensation as may be fixed from the time to time by resolution of the Town Council, which compensation shall not be contigent upon or related to the amount of any fines imposed or colledted.

16.10 Bonding. The Alderman and Assistant Alderman shall be bonded by a company duly authorized to do business in the State of Delaware in such amount as determined by the Town Council.

16.11 Removal from Office. If any Alderman or Assistant Alderman shall be removed from office as hereinbefore provided, he or she shall deliver to the Mayor within five (5) days after removal from office, all the books and papers belonging to the office, and shall pay over to the Treasurer all funds on hand within five (5) days after reviewing the notice of such removal from office. Immediately after the receipt of such books, the Mayor shall require an audit to be made of the books and papers of the official so removed from office. Upon the neglect or failure to deliver all the books and papers to the Mayor within the time specified by this Charter, or to pay over all of the moneys to the Treasurer within the time specified, the Alderman or Assistant Alderman, so removed, shall be fined not less than twenty-five dollars ($25.00) nor more than one hundred dollars ($100.00) for each day of such delinquent behavior.

17. Subdivision and Land Development.

17.1 Power to Regulate. In order to provide for the orderly growth and development of the Town; to promote the health, safety, prosperity and general welfare of the present and future inhabitants and property owners in the Town; to insure the conservation of property values and natural resources, including the protection and beauty of the Town's open lands, water resources, and recreational potential; and to afford adequate provisions for public utilities, water supply, drainage, sanitation, vehicular access, educational and recreational facilities, parkland and open space, among other and related activities, the Town Council shall regulate the subdivision of all land in the Town by ordinance.

17.2 Recording Plats, Plots or Plans. In the event an ordinance of the Town so provides, no plat, plot or plan of land shall be received for filing or recording by the Recorder of Deeds in and for New Castle County unless and until such plat, plot or plan shall have been approved by the Town body so authorized to grant such approvals and the fact of such approvals shall have been endorsed in writing on such plan documents.

18. Streets.

18.1 'Street' Defined. For all purposes of this Section, the word 'street' shall be deemed to include streets, roadways, lanes, guttering,

curbing, crosswalks and parking areas but shall not include any State or Federal highways.

18.2 Power to Lay Out, Locate, Construct, Widen, Alter, Open, Close, Vacate or Abandon.

The Town Council shall have the power and authority to lay out, locate, construct, widen, alter, open, close, vacate or abandon any street within the Town corporate limits.

18.3 Initiation of Proceedings. The procedures for taking the action described in Subsection 18.2 shall be established by ordinance of the Town Council.

18.4 Notice of Hearing. Such procedures shall require a notice of hearing that contains a description of the proposed action and fixes a date, time and place when the Town Council shall hold a hearing to hear comments and objections concerning the proposal. At least thirty (30) days before the date set for such hearing, the notice of hearing shall be printed in a newspaper having a general circulation in the Town of Odessa and shall be posted in three (3) public places in the Town.

18.5 Notice to Affected Property Owners. The Town Council shall cause to be sent by certified mail, return receipt requested, to the owner(s) of record of the real estate through or over which such street may pass. If the address of the owner be unknown, a copy shall be delivered to any persons occupying the premises, or, if none, posted thereon. Notice to affected property owners under this Subsection shall be provided at least thirty (30) days before the date set for the hearing.

18.6 Hearing. At the time and place specified by the resolution, the Town Council shall permit such residents of the Town or owners of properties affected thereby, to present oral or written comments. After hearing all comments, the Town Council shall, at said meeting, or at a subsequent date, as it may deem proper, adopt a resolution to proceed with the proposed laying out, locating, constructing, widening, altering, opening, closing, vacating or abandoning of any street(s) or parts hereof.

18.7 Payment of Compensation. In every case where the Town Council shall resolve to proceed with the plan contemplated, or a portion thereof, the Town Council shall award just and reasonable compensation to any person or persons who will thereby be deprived of property by virtue of the execution of the plan so contemplated. Such compensation, if any be awarded, shall be paid by the Treasurer of the Town of Odessa on a warrant drawn upon him by authority of the Town Council upon delivery of a good and sufficient deed conveying a fee simple title unto the 'Town of Odessa'; which title shall be free and clear of all liens and encumbrances. Notice of compensation shall be given to affected property owners as provided in Subsection 18.4.

18.8 Property Owner Right of Appeal. If the owner of the affected property be dissatisfied with the amount of compensation or damages allowed by the Town, said property owner may, within thirty (30) days after such notice was mailed, delivered, or posted on the property, appeal from the written notice of award of compensation such written appeal shall be deposited in the United States mail, by certified mail with return receipt requested and postage prepaid, to the Mayor of the Town, to the effect that such owner is dissatisfied with the amount of such compensation, and that is it the owner's intention to require the Town to condemn such property, or any compensable interest therein, in accordance with 10 Del. C. Chapter 61, or any future corresponding provisions of law. In such event, the Town shall proceed in accordance with 10 Del. C. Chapter 61, or any future corresponding provisions of law, to condemn such property, or any interest therein, for the purposes herein stated.

18.9 Disposal of Abandoned and Vacated Streets. Whenever any street or part thereof vacated or abandoned under this Section be owned by the Town, the Town Council may, in its discretion, sell such land at public or private sale and for such consideration as the Town Council shall deem proper. The Town Council shall have the right and power to convey to the purchaser or purchasers thereof, a good and sufficient title thereto for whatever estate the Town may have therein.

18.10 Maintaining and Repairing of Streets. The Town Council shall have full power and authority (1) to regrade, redress and otherwise repair and rebuild all existing streets in the Town; and (2) to reconstruct, rebuild, repave and in any manner improve all existing streets now open or to be hereafter opened for public use in the Town.

18.11 Construction Supervision, Standards. The Town Council, in exercising the authority granted by this Section, may use such materials and substances and such methods of construction and may employ such contractors, engineers, inspectors and other persons as the Town Council may deem necessary. To this end, the Town Council shall have full power and authority to enter into contracts or agreements with the State Highway Department of the State of Delaware for the permanent maintenance and repair of any street within the corporate limits of the Town.

19. Water Systems. The Town Council shall have full power and authority to provide an adequate supply of potable water for the Town and the inhabitants thereof. To this end, it shall have full power and authority to purchase, acquire by grant or gift, lease, erest, construct, maintain, operate, extend, enlarge, renew, replace; and control wells, reservoirs, pumping machines and stations, tanks, standpipes, water mains, fire hydrants and all other instruments for the collection, storage, purification, conveyance and distribution of water, over, on, under or through the lands owned by the Town or belonging to any private individual(s).

The Town Council shall have power to enact ordinances, resolutions, regulations and rules in regard to the use for public or private purposes of water furnished by the Town; the amounts to be paid by the users thereof; the means or methods whereby the same amounts to be paid by the users thereof; the means or methods whereby the same shall be collected; the fixing of fines, or penalties, or both, for any willful or negligent injury or damage to or interference with any water system facilities or equipment of the Town.

The Town Council shall have the power to make contracts for the purchase or sale of water and to distribute the same to users within or without the corporate limits of the Town.

The Town Council shall have the power to enter contracts for the sale of water outside the corporate limits of the Town upon such terms and conditions as the Town Council shall deem necessary; and also to enter into mutual aid agreements with other water suppliers conducting operations near the boundaries of the Town upon such terms and conditions as Town Council shall deem appropriate.

The Town Council shall have the power to enhance ordinances granting franchises for an appropriate term of years to use the present or future streets of the Town for the purpose of furnishing water to the Town and the inhabitants thereof.

In the interest of the public's health and welfare, the Town Council shall have the power to compel such properties to be connected to the water system of the Town.

20. Water Structures. The Town Council shall have the power and authority to lay out, locate, construct, widen, alter, extend, improve, repair, vacate or abandon structures including, but not limited to, bulkheads, revetments and embankments for the preservation of any strand or waterway within the corporate limits of the Town. In the exercise of such power and authority, such materials and substances and such methods of construction shall be used, and such contractors, engineers, inspectors and other persons shall be employed as the Town Council shall deem necessary, subject to any controlling Federal or State statutes or administrative regulations. In addition, the Town Council may require such actions to be taken.

21. Referendum.

21.1 Referendum Power. The qualified voters of the Town shall have the right of referendum, and may exercise such right in order to approve or reject, at an election provided for herein, any ordinance, resolution, regulation or rule promulgated by the Council of the Town of Odessa in accord with the provisions of this Charter; provided, however, that such

power of referendum shall not extend to any emergency ordinance, to any ordinance authorizing the borrowing of money under Sec. 13.2 ('Long-Term Borrowing'), to any ordinance annexing lands to the Town, to the adoption of the annual operating budget, to any ordinance relating to the appropriation of money, to any ordinance relating to the levy of taxes or to any ordinance otherwise subject to Special Election procedures provided under this Charter.

21.2 Petition for Referendum. In order to initiate a referendum under this Section, a referendum petition shall be presented to the Town Council, signed by qualified voters, qualified as of the date of such presentation, equal in number to not less than twenty-five percent (25%) of the total number of registered voters. Each copy of such petition shall contain the Odessa address of each of the signers and shall have attached thereto, throughout its circulation, the full text of the ordinance, resolution, regulation, or rule proposed for reconsideration. The Town shall supply up to five (5) copies of the measure for attachment to the petition(s), and all additional copies shall be furnished by the petitioners. Each signature on a petition shall be executed in ink or indelible pencil. Each copy of the petition presented to the Town Council shall have attached thereto an affidavit executed by the person circulating such petition, stating that he/she personally circulated the petition and stating further the number of signatures thereon and that such signatures are the genuine signatures of the persons who signed, and that each signer had an opportunity, before signing, to read the full text of the ordinance, resolution, regulation or rule proposed for reconsideration.

21.3 Determination of Sufficiency of Petition. The Town Council shall examine any petition filed under this Section in order to determine whether or not the petition contains the required number of signatures and whether or not each signer is a qualified voter of the Town. If the petition is found to have an insufficient number of valid signatures, such insufficiency may be "cured" by the addition of signatures of qualified voters and re-submitted within sixty (60) days from the date of rejection by the Town Council.

21.4 Appeal of Council Decision. Any person or persons aggrieved by the rejection by the Town Council may present to the Superior Court of the State of Delaware for New Castle County, an appeal petition duly verified, setting forth that such rejection is invalid, in whole or in part, specifying the grounds of such invalidity. Such petition shall be presented to the Court within thirty (30) days following the determination by the Town Council as to the insufficiency of the referendum petition. Upon presentation of the appeal petition, the Court may direct the Town Council to reconsider its decision and shall prescribe the time within which a response to the Court must be made and also served upon the petitioner or his attorney. Such time shall not be less than ten (10) days and may be extended by the Court. The Court may reverse or affirm, wholly or in part, or may modify the Council's determination brought up for review.

21.5 Reconsideration Upon Receipt of Petition. Upon a determination that the referendum petition is sufficient, either by the Town Council or by the Superior Court on appeal, the Town Council shall reconsider the referred ordinance, resolution, regulation or rule at its next regular meeting following such determination. If the Town Council fails to act on such ordinance, resolution, regulation, or rule it shall be submitted to the qualified voters for a referendum election as hereinafter provided.

21.6 Voting Procedure. The election on a referred ordinance, resolution, regulation or rule shall be held not less than sixty (60) days nor more than ninety (90) days from the date on which the Town Council failed to act. If the annual municipal election is to be held within ninety (90) days from such date, the referendum shall be held at that time. If the annual municipal election is not be be held within ninety (90) days from such date, the Town Council shall specify the date for the referendum. If the Town Council fails to hold a referendum within the time specified in this Section, the measure under review shall be deemed to be acted upon in favor of the petitioners at the expiration of the ninety (90) day period.

(b) At any referendum conducted under this Section, a qualified voter shall be any person who would be entitled to vote in the annual

18.10 Maintaining and Repairing of Streets. The Town Council shall have full power and authority (1) to regrade, redress and otherwise repair and rebuild all existing streets in the Town; and (2) to reconstruct, rebuild, repave and in any manner improve all existing streets now open or to be hereafter opened for public use in the Town.

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The Town Council shall have power to enact ordinances, resolutions, regulations and rules in regard to the use for public or private purposes of water furnished by the Town; the amounts to be paid by the users thereof; the means or methods whereby the same amounts to be paid by the users thereof; the means or methods whereby the same shall be collected; the fixing of fines, or penalties, or both, for any willful or negligent injury or damage to or interference with any water system facilities or equipment of the Town.

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The Town Council shall have the power to enter contracts for the sale of water outside the corporate limits of the Town upon such terms and conditions as the Town Council shall deem necessary; and also to enter into mutual aid agreements with other water suppliers conducting operations near the boundaries of the Town upon such terms and conditions as Town Council shall deem appropriate.

The Town Council shall have the power to enhance ordinances granting franchises for an appropriate term of years to use the present or future streets of the Town for the purpose of furnishing water to the Town and the inhabitants thereof.

In the interest of the public's health and welfare, the Town Council shall have the power to compel such properties to be connected to the water system of the Town.

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21. Referendum.

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power of referendum shall not extend to any emergency ordinance, to any ordinance authorizing the borrowing of money under Sec. 13.2 ('Long-Term Borrowing'), to any ordinance annexing lands to the Town, to the adoption of the annual operating budget, to any ordinance relating to the appropriation of money, to any ordinance relating to the levy of taxes or to any ordinance otherwise subject to Special Election procedures provided under this Charter.

21.2 Petition for Referendum. In order to initiate a referendum under this Section, a referendum petition shall be presented to the Town Council, signed by qualified voters, qualified as of the date of such presentation, equal in number to not less than twenty-five percent (25%) of the total number of registered voters. Each copy of such petition shall contain the Odessa address of each of the signers and shall have attached thereto, throughout its circulation, the full text of the ordinance, resolution, regulation, or rule proposed for reconsideration. The Town shall supply up to five (5) copies of the measure for attachment to the petition(s), and all additional copies shall be furnished by the petitioners. Each signature on a petition shall be executed in ink or indelible pencil. Each copy of the petition presented to the Town Council shall have attached thereto an affidavit executed by the person circulating such petition, stating that he/she personally circulated the petition and stating further the number of signatures thereon and that such signatures are the genuine signatures of the persons who signed, and that each signer had an opportunity, before signing, to read the full text of the ordinance, resolution, regulation or rule proposed for reconsideration.

21.3 Determination of Sufficiency of Petition. The Town Council shall examine any petition filed under this Section in order to determine whether or not the petition contains the required number of signatures and whether or not each signer is a qualified voter of the Town. If the petition is found to have an insufficient number of valid signatures, such insufficiency may be "cured" by the addition of signatures of qualified voters and re-submitted within sixty (60) days from the date of rejection by the Town Council.

21.4 Appeal of Council Decision. Any person or persons aggrieved by the rejection by the Town Council may present to the Superior Court of the State of Delaware for New Castle County, an appeal petition duly verified, setting forth that such rejection is invalid, in whole or in part, specifying the grounds of such invalidity. Such petition shall be presented to the Court within thirty (30) days following the determination by the Town Council as to the insufficiency of the referendum petition. Upon presentation of the appeal petition, the Court may direct the Town Council to reconsider its decision and shall prescribe the time within which a response to the Court must be made and also served upon the petitioner or his attorney. Such time shall not be less than ten (10) days and may be extended by the Court. The Court may reverse or affirm, wholly or in part, or may modify the Council's determination brought up for review.

21.5 Reconsideration Upon Receipt of Petition. Upon a determination that the referendum petition is sufficient, either by the Town Council or by the Superior Court on appeal, the Town Council shall reconsider the referred ordinance, resolution, regulation or rule at its next regular meeting following such determination. If the Town Council fails to act on such ordinance, resolution, regulation, or rule it shall be submitted to the qualified voters for a referendum election as hereinafter provided.

21.6 Voting Procedure. The election on a referred ordinance, resolution, regulation or rule shall be held not less than sixty (60) days nor more than ninety (90) days from the date on which the Town Council failed to act. If the annual municipal election is to be held within ninety (90) days from such date, the referendum shall be held at that time. If the annual municipal election is not be be held within ninety (90) days from such date, the Town Council shall specify the date for the referendum. If the Town Council fails to hold a referendum within the time specified in this Section, the measure under review shall be deemed to be acted upon in favor of the petitioners at the expiration of the ninety (90) day period.

(b) At any referendum conducted under this Section, a qualified voter shall be any person who would be entitled to vote in the annual

municipal election if it were held on that day. Each qualified voter shall be entitled to one (1) vote.

(c) Notice of the time and place of holding the said referendum shall be published at least once in at least two (2) newspapers having a general circulation in the Town not less than thirty (30) days immediately preceding the date of the referendum. Such notice shall also be posted in three (3) public places in the Town, not less than thirty (30) days immediately preceding the date of referendum. In the event that such publications and posting do not appear on the same date, the date of the last publication or posting shall control. Such notice shall be in bold print or bordered in black in such manner as to call attention thereto. The Mayor of Odessa shall appoint three (3) persons to act as Board of Special Election if the referendum is required. The polling place shall be open for a minimum amount of six (6) consecutive hours, the times shall be set by resolution of the Town Council. Persons in the polling place at the time set for the closing of the polls shall be entitled to vote even though such votes may be cast after the time set for the closing of the polls.

(d) Immediately after the closing of the polls, the Board of Special Election, or the Board of Election if the referendum is held on the day of the annual municipal election, shall count the ballots for and against the proposition as presented, and shall announce the results thereof. Such Board shall certify the number of votes cast for and against the proposed ordinance and the number of void votes, and shall report the same to the Town Council. Such certification shall be filed with the official records of the Town of Odessa.

(e) The form of the ballot of the referendum whether held on the day of the annual municipal election or at a special referendum, shall be as follows:

( ) For the Referred Measure

( ) Against the Referred Measure

(f) If the majority of the qualified voters voting on a referred measure vote in favor of such measure, it shall be considered binding on the Town upon the certification of the result of the referendum by the Board of Special Election or by the Board of Election as the case may be. No ordinance, resolution, regulation or rule which has been acted upon as the result of the procedures of Sec. 21 shall be adopted in the same form by the Town Council for a period of six (6) months from the date of such action.

21.7 Non-binding Referendum. The Town Council may, on its own initiative, by resolution, determine to hold a non-binding referendum to obtain the opinion of the qualified voters of the Town on any subject which the Council has under consideration.

Any such referendum shall be conducted in such manner and with such public notice, as the Town Council shall determine by resolution provided, however, that any such resolution, and any public notice regarding such non-binding referendum shall clearly specify that such referendum is non-binding. The results of any non-binding referendum conducted under this Section shall not bind or obligate the Town Council to take any action or refrain from taking any action on the subject referred, but shall be informational in nature regarding the opinion of those qualified voters who voted in such election.

22. Eminent Domain. The Town Council may, by condemnation proceedings, take private property or may exercise the right to use private property within the corporate limits of the Town for any of the purposes authorized by this Charter. The proceedings for such condemnation shall be as prescribed in 10 Del. C. Chapter 61 or any future corresponding provision of law. The right of condemnation shall not extend to property owned by the United States, the State of Delaware or any agency thereof.

23. Limitation on Liability.

No claim or cause of action shall arise, and no judgment, damages, penalties, costs or other money entitlement shall be awarded or assessed

against the Town of Odessa, or any board, commission or agency of the Town, or any Town public officer, employee or member of such Town instrumentalities, whether elected or appointed, and whether now or previously serving as such, in any civil suit, or before any administrative tribunal on any and all tort claims seeking recovery of damages, unless made pursuant to Subchapter II, entitled 'County and Municipal Tort Claims', consisting of Sections 4010-4013, Title 10 of the Delaware Code or its successor.

24. Indemnification. The Town shall indemnify, from the general funds of the Town's treasury, to the extent not otherwise covered by appropriate insurance, any person who is a party to, or is threatened to be made a party to, any threatened, pending or completed action, suit or proceedings, whether civil, criminal, administrative or investigative (other than an action by or in the right of the Town of Odessa itself) by reason of the fact that he or she is or was a member of the Town Council, Mayor or other duly elected or appointed Town official or employee of the Town of Odessa, or arising out of actions taken by each or any of them in connection with the performance of their official duties, against expenses (including attorney's fees), judgments, fines and amounts paid in settlement, actually and reasonably incurred by him or her in connection with such action, suit or proceeding if he or she acted in good faith and in a manner he or she reasonably believed to be in or not opposed to the best interest of the Town, and, with respect to any criminal action or proceeding, had no reasonable cause to believe his or her conduct was unlawful. The termination of any action, suit or proceeding by judgment, order, settlement, conviction or upon a plea of nolo contendere or its equivalent shall not, of itself, create a presumption that the person did not act in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interest of the Town of Odessa and with respect to any criminal action or proceeding had reasonable cause to believe that his or her conduct was unlawful; provided, however, that in the event of a monetary settlement, the Town Council shall first approve the amount and terms of the settlement before the right to indemnification shall vest.

Indemnification as provided in this section shall be made by the Town only as authorized in the specific case upon a determination that indemnification of the members of the Town Council, Mayor, Town Officer and/or employee is proper in the circumstances because he or she met the applicable standards of the conduct set forth above. Such determination shall be made:

(a) by a majority vote of a quorum of the Town Council consisting of Council members who are not parties to such action, suit or proceeding, or

(b) if such quorum is not obtained, by independent legal counsel in a written opinion.

25. Compendium.

It shall be the duty of the Town Council to compile and reproduce the minutes of official meetings as well as ordinances, regulations, orders, rules or other decisions adopted by Town governmental bodies. The Town shall have a reasonable number of copies printed for the use of the officials of the Town and for public information. Copies of such documents shall be made available to private persons at a reasonable cost. At least two copies of the Charter which shall have incorporated within it all amendments enacted by the General Assembly shall be kept at the Town office. Such copies may be typed, written, photographic processed or a combination of both. The Mayor shall make such further copies of the Charter, from time to time, as may be necessary. Copies of the Town Charter shall be available at the Town Hall for the perusal of the Town citizens.

26 Survival of Powers and Validating Section.

26.1 All powers conferred upon or vested in the Town Council of Odessa by any act or law of the State of Delaware not in conflict with the provisions of this Charter are hereby expressly conferred upon and vested in the Town of Odessa and/or the Town Council of Odessa precisely as if each of said powers was expressly set forth in this Charter.

26.2 All ordinances and resolutions adopted by the Town Council and in force on the effective date of this Charter, as amended, are continued in

force until repealed, modified or altered by the Town Council under the provisions of this Charter.

26.3 All actions of the Town Council or of any Town official taken under the provisions of Delaware law, any Town ordinance or any prior Charter of this Town prior to the effective date of this Charter, as amended, shall continue in effect unless otherwise provided herein.

26.4 All taxes, assessments, license fees, penalties, fines, forfeitures and other charges due to the Town, and all debts owed to or by the Town, prior to the effective date of this Charter, as amended shall remain due and unimpaired.

26.5 All powers granted by this Charter in respect to the collection of taxes, license fees, assessments or other charges shall be deemed to apply and extend to all unpaid taxes, license fees, assessments or other charges heretofore lawfully imposed by the Town of Odessa.

26.6 The bonds given by or on account of any official of the Town of Odessa shall not be impaired or affected by the provisions of this Charter.

26.7 Each member of the Town Council who holds office at the time of approval of this Charter, as amended, shall continue to serve until the expiration of such term of office, as prescribed at the time of election.

26.8 All acts or parts of acts inconsistent with or in conflict with the provisions of this Charter shall be and are hereby repealed to the extent of any such inconsistency.

27. Separability.

If any section, sub-section, paragraph, sentence, clause or other provision of this Charter shall be held to be unconstitutional or invalid by any court of competent jurisdiction, such holding shall not be deemed to invalidate the remaining provisions, sections, sub-sections, paragraphs, sentences, clauses or other provisions of this Charter.

28. Public Act.

This Charter shall be deemed to constitute a Public Act of the State of Delaware.

29. Effective Date.

This Charter shall take effect as of August 1, 1991."

Approved July 9, 1991.

CHAPTER 142

FORMERLY

HOUSE BILL NO. 143

AN ACT TO AMEND CHAPTER 19, TITLE 12, DELAWARE CODE, RELATING TO INVENTORY AND APPRAISAL FILED WITH THE REGISTER OF WILLS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Amend §1905 (a), Chapter 19, Title 12, Delaware Code, by inserting between the word "seized," and the words "and the name of each party" as they appear therein the following:

"which description shall include the parcel identification number assigned to said parcel".

Approved July 9, 1991.

CHAPTER 143

FORMERLY

HOUSE BILL NO. 231

AN ACT TO AMEND CHAPTER 33, TITLE 19 OF THE DELAWARE CODE RELATING TO UNEMPLOYMENT COMPENSATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 3315(10)a., Chapter 33, Title 19 of the Delaware Code by deleting the phrase "§203(a)(7) or §212(d)(5) [8 U.S.C.A. §1153 or 8 U.S.C.A. §1182]" as it appears therein and substituting in lieu thereof the following: " §212(d)(5) [8 U.S.C. §1182]".

Section 2. The provisions of Section 1 shall be effective October 1, 1991.

Approved July 9, 1991.

CHAPTER 144

FORMERLY

SENATE BILL NO. 24
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 24 DELAWARE CODE RELATING TO THE BOARD OF ARCHITECTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 3, Title 24, Delaware Code by deleting the current Chapter 3 and enacting a new Chapter 3 as follows:

"CHAPTER 3. ARCHITECTURE

§301. Objectives and Functions.

The primary objective of the Board of Architects, to which all other objectives and purposes are secondary, is to protect the general public (including those persons who are direct recipients of services regulated by this Chapter) from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of architect competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against architects regulated by the Board; shall adjudicate at formal hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against architects.

§302. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

(a) 'Architect' shall mean any person who engages in the practice of architecture as hereinafter defined.

(b) The 'Board' shall mean the Board of Architecture established by §8810(a)(3)of 29 Del. C. and this Chapter.

(c) 'Certificate of registration' shall mean any document which indicates that a person is currently registered with the Board of Architects.

(d) 'Direct Supervision' shall mean that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under his or her supervision.

(e) 'Practice of Architecture' shall mean the rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alteration of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and surrounding such structures; the services referred to include planning, preparing studies, designs, drawings, specifications and other technical submissions and furnishing administration of construction contracts.

(f) 'Registered architect' shall mean an architect holding a current certificate of registration.

(g) 'Technical submissions' shall mean designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.

§303. Registration to Practice.

(a) The right to engage in the practice of architecture shall be deemed a personal right, based upon the qualifications of the individual as evidenced by his or her certificate of registration, which shall not be transferable. No person shall engage in the practice of architecture in this State or otherwise hold himself or herself out to the public as being an architect, or, use in connection with his or her name, or otherwise assume, use or advertise any title or description intending to convey the impression that he or she is an architect, unless such person has a certificate of registration.

(b) The provisions of this Chapter shall not be construed to prevent, nor to affect:

(1) The preparation of technical submissions or the administration of construction contracts by an employee or subordinate of a person or organization lawfully engaged in the practice of architecture, providing such work is done under the direct responsibility and supervision of such person or organization;

(2) The practice of architecture by a person licensed in this State as a professional engineer, when such practice is incidental to what may be properly considered an engineering project;

(3) the practice of landscape architecture by a landscape architect, regardless of whether the practice of landscape architecture shall continue to be licensed under the Delaware Code;

(4) A non-resident, who holds a certificate to practice architecture in the state in which he or she resides, and/or in addition holds the certification issued by the National Council of Architectural Registration Boards, from agreeing to perform or holding himself or herself out as able to perform any of the professional services involved in the practice of architecture; provided that he or she shall not perform any of the professional services involved in the practice of architecture until registered as provided in subsection (a) of this section; and further provided that he or she notifies the Board in writing if he or she, prior to registration, engages in any of the activities permitted by this paragraph;

(5) Any of the activities that, apart from this exemption, would constitute the practice of architecture, if performed in connection with any of the following:

a. Single and two-family dwellings, and any sheds, storage buildings, and garages incidental to such dwellings;

b. Farm buildings, including barns, silos, sheds, or housing for farm equipment and livestock, provided such structures are designed to be occupied by no more than ten persons; or

c. Any alteration, renovation, or remodeling of a structure when such alteration, renovation, or remodeling does not affect structural or other safety features of the structure and when the work contemplated by the design does not require the issuance of a permit under applicable building codes.

§304. Board of Architects.

(a) The Board of Architects shall consist of nine members appointed by the Governor; five professional members who shall be registered architects; and four public members. To serve on the Board, a public member shall not be, nor ever have been, employed by a person or firm which provides construction services, nor a member of the immediate family of an architect or engineer; shall not have been employed by a person or firm which provides construction services (which shall include architects and architectural businesses, engineers and engineering businesses, and any other occupation involved in the design of structures); shall not have had a material financial interest in the providing of goods and services to any person or firm which provides construction services; nor have been engaged in an activity directly related to the design of buildings. No person

shall be a public member if a member of such person's immediate family is an architect, or is an employee of an architect; or if a member of such person's immediate family has a material or financial interest in the providing of goods or services to architects. Each public member shall be accessible to inquiries, comments and suggestions from the general public.

(b) Each member shall serve for a term of three years, and may succeed himself or herself for one additional term; provided, however, that where a member was initially appointed to fill a vacancy, such member may succeed himself or herself for only one additional full term. Any person appointed to fill a vacancy on the Board shall hold office for the remainder of the unexpired term of the former member. Each term of office shall expire on the date specified in the appointment, and the member shall no longer be eligible to participate in Board proceedings unless lawfully appointed. Current Board members, who will have served as members for 10 years or more at the end of their current terms, will not be eligible for reappointment to the Board.

(c) A member of the Board shall be suspended or removed by the Governor for misfeasance, non-feasance or malfeasance. A member subject to disciplinary proceedings shall be disqualified from Board business until the charge is adjudicated or the matter is otherwise concluded. A Board member may appeal any suspension or removal to the Superior Court.

(d) No member of the Board of Architects, while serving on the Board, shall be a President, Chairman or other official of a professional architect association.

(e) The provisions set forth for "employees" in §5805 of Title 29 shall apply to all members of the Board, and to all agents appointed, or otherwise employed, by the Board.

(f) Each member of the Board shall receive not more than five hundred dollars ($500.00) in any calendar year for his or her services as a member of the Board, including not more than forty dollars ($40.00) for each meeting which such member attends during that year.

§305. Officers; Conduct of Business.

(a) In the same month of each year, the members shall elect, from among their number, a President and a Secretary. A member may serve as an officer of the Board for not more than two consecutive years.

(b) The Board shall hold a regularly scheduled business meeting at least once in each quarter of a calendar year and at such other times as the President may deem necessary, or at the request of a majority of Board members. A majority of members shall constitute a quorum; and no action shall be taken without the affirmative vote of at least five members. Any member who fails to attend three consecutive meetings, or who fails to attend at least half of all regular business meetings during any calendar year, shall automatically, upon such occurrence, be deemed to have resigned from office and a replacement shall be appointed.

(c) Minutes of all meetings shall be recorded, and copies of the minutes shall be maintained by the Division of Professional Regulation. At any hearing in which evidence is presented, a record from which a verbatim transcript can be prepared shall be made. The expense of preparing any transcript shall be incurred by the person requesting it.

(d) The Division of Professional Regulation shall annually compute the average expenses incurred in duplicating the following materials: the meeting schedule for the Board, notice of next business meeting, and the minutes of Board meetings. Upon his or her initial registration and each registration renewal, each registered architect shall receive a list of materials available from the Division, and the price charged to receive each for one year. Each item shall be offered to the registered architect and to members of the public at a cost set by the Division of Professional Regulation.

§306. Powers and Duties.

(a) The Board of Architects shall have the authority to:

(1) Promulgate rules of conduct governing the practice of architects, including rules and regulations concerning continuing education, and/or misrepresentations, conflicts of interest, disability, violations of law or other unprofessional conduct. Each rule or regulation shall implement or clarify a specific section of this Chapter.

(2) Designate the application form to be used by all applicants for certificates of registration, and to process all applications;

(3) Designate a written examination to be taken by persons applying for a certificate of registration. The Board shall adopt the examinations of the National Council of Architectural Registration Boards, or a comparable alternative national or regional examination, if a national examination is not available;

(4) Provide for the administration of all examinations, including notice and information to applicants. The Board shall adopt the administration and grading procedures of the National Council of Architectural Registration Boards, or of a comparable alternative national or regional examination if a national examination is not available;

(5) Designate the requirements for the issuance of a certificate of registration consistent with the other provisions of this Chapter;

(6) Grant certificates of registration to all persons who meet the qualifications for registration and who otherwise satisfy the requirements set forth in this Chapter;

(7) Refer all complaints from registered architects and from the public concerning architects, or concerning practices of the Board or of the profession, to the Division of Professional Regulation for investigation pursuant to §8810 of 29 Del. C.

(8) Hold hearings and take such actions as are permitted under the provisions of the Administrative Procedures Act, Ch. 101, 29 Del. C. Where such provisions conflict with the provisions of this Chapter, this Chapter shall govern. The Board shall determine whether or not an architect shall be subject to a disciplinary hearing, and if so, shall conduct such hearing in accordance with this Chapter and the Administrative Procedures Act;

(9) Where it has been determined after a disciplinary hearing, that penalties or sanction should be imposed, to designate and impose the appropriate sanction or penalty after time for appeal has lapsed;

(10) Bring proceedings in the courts for the enforcement of this Chapter;

(11) In cooperation with Division of Professional Regulation, to maintain complete records relating to meeting minutes, applications, examinations, rosters, changes and additions to the rules and regulations, complaints, hearings and such other matters as the Board shall determine. The Division of Professional Regulation shall have the power to review, approve and execute all contracts for examination services;

(12) The Board may require by subpoena the attendance and testimony of witnesses and the production of papers, records or other documentary evidence.

§307. Application Procedures.

(a) An applicant who is applying for initial registration under this Chapter shall have the following qualifications:

(1) The applicant shall hold an National Architectural Accrediting Board (NAAB) accredited professional degree in architecture or shall have completed such other education as the Board deems equivalent. The Board shall adopt accreditation decisions of the NAAB and shall

adopt regulations governing education or continuing education published from time to time by the National Council of Architectural Registration Boards;

(2) The applicant shall have completed a minimum of three years of practical training in architectural work. This requirement may be satisfied by participation in an Intern Development Program. The Board shall adopt regulations governing practical training which are consistent with the guidelines of the National Council of Architectural Registration Boards.

(b) Each applicant shall provide such information as may be required on an application form designed and furnished by the Board. No application form shall require a picture of the applicant; require information relating to citizenship, place of birth, length of state residency; nor shall it require personal references.

(c) The Board may refuse or reject an applicant if, after a hearing, the Board finds that the applicant has:

(1) been convicted of committing a felony;

(2) misstated or misrepresented a fact in connection with his or her application;

(3) been found guilty of a violation of any of the Requirements for Business and Professional Conduct required of architects and as set forth in statutes or regulations;

(4) practiced architecture without being registered in violation of the registration laws of Delaware. Notwithstanding such a finding, the Board may allow registration of such applicant if the applicant presents to the Board suitable evidence of reform.

(d) Where the Board has found to its satisfaction that an application has been intentionally fraudulent, or that false information has been intentionally supplied, it shall report its findings to the Attorney General for further action.

(e) Where the application of a person has been refused or rejected and such applicant feels that the Board has acted without justification; has imposed higher or different standards for him or her than for other applicants; or has in some other manner contributed to or caused the failure of such application, the applicant may appeal to the Superior Court.

(f) Any applicant who applies for a license within 6 years from the effective date of this law may petition the Board to waive the requirements of subsection (a)(1) of this section, but only if, in the Board's judgment, the applicant complies with the 'Education and Training Requirements for Delaware Licensure.'

§308. Examination of Applicants.

(a) An applicant who meets the requirements of §307 of this Chapter shall be required to pass an examination adopted by the Board and graded by a national testing administrator. The Board, or its agent, shall, at least once per year, provide for the administration and grading of such examination. Where an applicant has failed to pass the examination, but has successfully completed and passed certain portions or sections of the examination, the applicant shall in the next subsequent examination be tested only for those portions or section which he or she has previously failed.

(b) The Board may exempt from the written examination requirement an applicant who holds a certification issued by the National Council of Architectural Registration Boards.

§309. Reciprocity.

Notwithstanding any other provisions of this Chapter, every applicant shall be granted a certificate of registration if the applicant holds a current and valid registration issued by a registration authority

recognized by the Board and meets the requirements as set forth in §307 of this Chapter; or holds a National Council of Architectural Registration Boards certificate; and files his or her application with the Board, upon a form prescribed by the Board, containing such information concerning the applicant, as the Board considers pertinent; provided, however, that the Board may refuse or reject any such applicant on the same grounds as set forth in §307(c) of this Chapter. An application for registration by reciprocity shall be accompanied by full payment of the reciprocity fee.

§310. Fees.

The amount to be charged for each fee imposed under this Chapter shall approximate and reasonably reflect all costs necessary to defray the expenses of the Board as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Board. There shall be a separate fee charged for each service or activity, but no fee shall be charged for a purpose not specified in this Chapter. The application fee shall not be combined with any other fee or charge. At the beginning of each calendar year the Division of Professional Regulation, or any state agency acting in its behalf, shall compute for each separate service or activity the appropriate Board fees for the coming year.

§311. Issuance and Renewal of Certificate of Registration.

(a) Each applicant who meets the requirements of §§307 and 308 of this Chapter, or the requirements of §309 of this Chapter, and who pays the fee established under §310 of this Chapter, shall be issued a certificate of registration.

(b) Each certificate of registration shall be renewed biennially, in such manner as is determined by the Division of Professional Regulation. The Board shall, in its rules and regulations, determine the period of time within which a registered architect may still renew his or her license, notwithstanding the fact that such registered architect has failed to renew on or before the renewal date; provided, however, that such period shall not exceed one year. The Board shall charge, for each month or quarter during such 'late renewal period,' a late fee which at the end of such 'late period' shall be twice the sum of the unpaid renewal fee. At the expiration of the period designated by the Board, the certificate of registration of the registered architect shall be deemed to be lapsed and not renewable, unless the former registered architect reapplies under the same conditions which govern reciprocity; provided, however, that the former registered architect shall also pay a reinstatement fee in the amount which is three times the amount of the reciprocity fee.

§312. Certificate of Registration.

Every registered architect having a place of business or employment within the state shall display his or her certificate of registration in a conspicuous place in such place of business or employment. A new certificate of registration, to replace a lost, destroyed or mutilated certificate, shall be issued by the Board upon payment of a fee established in accordance with §310 of this Chapter. Each such duplicate certificate shall be stamped or marked 'duplicate.'

§313. Seal.

Every registered architect shall have a seal of a design authorized by the Board by regulation. All technical submissions prepared by such architect, or under his or her direct supervision, shall be stamped with the impression of his or her seal. No registered architect shall impress his or her seal on any technical submissions unless they were prepared under his or her direct supervision.

§314. Violations; Grounds for Professional Discipline.

(a) An architect shall be subject to those disciplinary actions set forth in §315 of this Chpater, if, after a hearing, the Board finds that the architect:

(1) Has employed or knowingly cooperated in fraud or material deception in order to acquire a certificate of registration, or be otherwise authorized to practice architecture;

(2) Has engaged in illegal, incompetent or negligent conduct in the practice of architecture;

(3) Has, as an architect or otherwise in the practice of his or her profession, knowingly engaged in an act of consumer fraud or deception, engaged in the restraint of competition, or participated in price-fixing activities; or

(4) Has violated a lawful provision of this Chapter, or any lawful regulation established thereunder.

(b) An architect shall be subject to non-disciplinary remedial action if, after a hearing, the Board finds that there is a danger to the health, safety and welfare of the public due to:

(1) Physical illness or loss of motor skill, including but not limited to deterioration through the aging process;

(2) Temporary emotional disorder or mental illness; or

(3) Permanent emotional disorder or mental illness.

(c) If an architect's physical or mental capacity to practice safely is at issue in a non-disciplinary remedial proceeding, the Board may order the architect to submit to a reasonable physical or mental examination. Failure to comply with such an order shall render a registered architect liable to temporary suspension or revocation of his or her certificate of registration in accordance with §315 of this Chapter, notwithstanding the Board's power to compel such attendance under paragraph (d) of this section.

(d) Where an architect fails to comply with the Board's request that he or she submit to an examination or attend a hearing, the Board may petition the Superior Court to order such examination or attendance, and the said Court or any judge assigned thereto shall have jurisdiction to issue such order.

(e) No certificate of registration shall be restricted, suspended or revoked by the Board, and no registered architect's right to practice shall be limited by the Board, until such registered architect has been given notice and an opportunity to be heard in accordance with §316 of this Chapter.

§315. Remedial Actions and Disciplinary Sanctions.

(a) The Board may impose any of the following sanctions or take any of the following actions, singly or in combination, when it finds that one of the conditions or violations set forth in §314 of this Chapter applies to an architect:

(1) Issue a letter of reprimand;

(2) Censure the architect;

(3) Place the architect on probationary status, and require him or her to:

a. Report regularly to the Board upon the matters which are the basis of the probation;

b. Limit all practice and professional activities to those areas prescribed by the Board; and/or

c. Continue or renew his or her professional education until the required degree of skill has been attained in those areas which are the basis of the probation;

(4) Suspend a registered architect's certificate of registration;

(5) Revoke a registered architect's certificate of registration;

(6) Issue cease and desist orders;

(7) Seek injunctions; and/or

(8) Seek judicial enforcement of civil fines imposed by the Board.

(b) The Board may withdraw or reduce conditions of probation when it finds that the deficiencies which required such actions have been remedied.

(c) The Board may temporarily suspend a registered architect's certificate of registration in advance of a final adjudication, or during the appeals process; but only in cases where there is a clear and immediate danger to the health, safety and welfare of the public if the registered architect is allowed to continue to practice. Such suspension may be appealed to Superior Court.

(d) Where a certificate of registration has been suspended due to a disability of the registered architect, the Board may reinstate such certification of registration if, after a hearing, the Board is satisfied that the registered architect is able to practice with reasonable skill and safety.

(e) As a condition to reinstatement of a suspended certificate of registration, or removal from probationary status, the Board may impose such disciplinary or corrective measures as are authorized under this Chapter.

§316. Board Hearings; Procedure.

(a) Upon the receipt of a formal complaint from the Attorney General's office, the Board shall fix the time and place of a full hearing of the matter, and it shall be scheduled to be heard as soon as practicable. The Board shall cause a copy of the complaint, together with a notice of the time and place fixed for the hearing, to be personally delivered or served upon the architect at least twenty days before the date fixed for the hearing. In cases where the architect cannot be located or where personal services cannot be effected, substitute service shall be effected in the same manner as with civil litigation.

(b) All hearings shall be informal without use of the rules of evidence. If the Board finds, by a majority vote of all members, that the complaint has merit, the Board shall take such action permitted under this Chapter as it deems necessary. The Board's decision shall be in writing and shall include its reason for such decision. A copy of the decision shall be mailed by registered mail immediately to the complainant, and to the architect. The Board's decision shall become effective on the thirtieth day after the day it is received by the architect, unless there is an appeal to the Superior Court within that time.

(c) Where either the complainant or the architect is in disagreement with the action of the Board, either person may appeal the Board's decision to the Superior Court within thirty days of the receipt of the Board's decision. Upon such appeal, the Court shall hear the evidence 'de novo.' The filing of an appeal shall act as a stay of the Board's decision, pending final determination of the appeal.

§317. Penalties.

(a) Where the Board has determined that a person is unlawfully practicing architecture within this State, in violation of this Chapter, the Board shall formally warn such person. If the offense continues, the Board shall make a formal complaint to the Attorney General. The complaint shall include all evidence known to, or in the possession of, the Board. The Attorney General, on behalf of the Board, shall have the authority to seek an injunctive order prohibiting such unlawful practice, and/or to seek the imposition of penalties as defined by this Chapter.

(b) Where the Board has placed a registered architect on probationary status under certain restrictions or conditions, and the Board has determined that such restrictions or conditions are being or have been

violated by the registered architect, the Board may, after a hearing on the matter, suspend or revoke the registered architect's certificate of registration.

(c) Any person who violates any provisions of this Chapter or any rules or regulations promulgated hereunder shall be liable for a civil penalty of not more than two thousand five hundred dollars ($2,500.00) for the first offense; and not more than five thousand dollars ($5,000.00) for the second and each subsequent offense, which penalty may be sued for, and recovered by, the Board. Nothing in this section shall be construed to prevent prosecution under, or be inconsistent with, Chapter 5, Title 11 of the Delaware Code."

Approved July 9, 1991.

CHAPTER 145

FORMERLY

SENATE BILL NO. 23
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 1, TITLE 26 OF THE DELAWARE CODE RELATING TO THE PROVISION OF TELEPHONE SERVICE FOR PERSONS WITH SPEECH AND HEARING IMPAIRMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Subchapter II, Chapter 1, Title 26 of the Delaware Code by adding thereto the following new sections:

"§221. Dual Party Relay Advisory Committee

(a) The Dual Party Relay Advisory Committee shall advise any public utility which is authorized by the Commission to provide a state-wide dual party relay service; and to also advise any contractor, designee, agent or assign of such public utility on matters related to the use of the dual party relay system by hearing or speech impaired persons.

(b) The Dual Party Relay Advisory Committee shall be composed of eleven members: one member shall be a public utility, authorized by the Commission to provide a state-wide dual party relay service (DPRS utility); one member shall be a person designated by the DPRS utility, and shall be under contract with such utility to provide all or in part of a state-wide dual party relay service; one member shall be a representative of the Office of the Public Advocate; one member shall be a representative of the State Office of Tele-communications; and the remaining members shall be appointed by the Governor.

(c) A public utility acting as a member of the Dual Party Relay Advisory Committee shall be obligated to reimburse such Committee for the reasonable expenses incurred by such Committee for interpreter services. The Dual Party Relay Advisory Committee shall submit invoices for such reasonable expenses to a public utility obligated to reimburse the Committee for the same. These expenses shall be recovered by a reimbursing public utility in the manner authorized by the Commission for recovery of any other costs associated with the implementation and operation of a dual party relay system.

§222. Exemption from Criminal and Civil Liability

The following parties shall not be liable for criminal prosecution or subject to a civil action arising from the relay of any message in the course of providing, or operating, a state-wide dual party relay service:

(a) a public utility providing a state-wide dual party relay service (DPRS utility);

(b) any person or entity with whom the DPRS utility has contracted for the operation of all or a part of such relay service; or

(c) any employee or agent of a DPRS utility, and any employee of any person or entity with whom such utility has contracted."

Approved July 10, 1991.

CHAPTER 146

FORMERLY

SENATE BILL NO. 147
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 7, OF THE DELAWARE CODE RELATING TO FINES PAYABLE BY MAIL.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 60, Title 7, Delaware Code, by adding thereto new sections to read as follows:

"§6061. Fines Payable by Mail

(a) Applicability. - Any duly constituted environmental protection officer or peace officer in this State, who charges any person with any of the offenses which are violations of laws or regulations established or promulgated under the authority of this Chapter, may, in addition to issuing a summons for any such offenses, provide the violator with a voluntary assessment form which, when properly executed by the officer, allows the offender to dispose of the charges without the necessity of personally appearing in the court to which the summons is returnable.

(b) Definitions. - (1) 'Payment', as used in this Section, shall mean the total amount of the fine and the costs as herein provided and the penalty assessment added to the fine, pursuant to the Delaware Victim Compensation Law, Chapter 90 of Title 11.

(2) 'Voluntary assessment form', as used in this Section, shall mean the written agreement or document signed by the violator, wherein he/she agrees to pay by mail the fine for the offense described therein, together with costs and penalty assessment.

(c) Places and Time of Payment. - Payments made pursuant to this Section shall be remitted to the court to which the summons is returnable and shall be disbursed in accordance with §6062 of this Title. The payment must be received by the court within 10 days from the date of arrest (excluding Saturday and Sunday) and shall be paid only by check or money order.

(d) Offenses Designated as 'Offenses Subject to Voluntary Assessment'; Exceptions. - All offenses, as now or hereafter set forth in this Chapter, or regulations promulgated under the authority of this Chapter, are hereby designated as offenses subject to voluntary assessment except offenses under the jurisdiction of Superior Court.

(e) Offer and Acceptance of Voluntary Assessment; Effect; Withdrawal of Acceptance; Request for Hearing. - (1) At the time of making an arrest for any offense subject to this Section, the arresting officer may offer the alleged violator the option of accepting a voluntary assessment. The alleged violator's signature on the voluntary assessment form constitutes an acknowledgment of guilt of the offense stated in the form, and an agreement to pay the fine as herein provided, together with costs and penalty assessment, within 10 days from the date of arrest (excluding Saturday and Sunday) during which time payment must be received by the court.

(2) The alleged violator, after signing and receiving the voluntary assessment form, may withdraw his/her acceptance of the voluntary assessment and request a hearing on the charge stated in such form, provided that the alleged violator, within 10 days from the date of arrest (excluding Saturday and Sunday), personally or in writing, notifies the court to which payment of the penalty assessment as to be made that he/she wishes to withdraw his/her acceptance of the voluntary assessment and requests a hearing on the charge stated in the voluntary assessment form. If the alleged violator notifies the court of such withdrawal and request for hearing as aforesaid, he/she shall be prosecuted for the charge stated in the voluntary assessment form as if such form had not been issued.

(f) Penalty. - If an alleged violator elects the option of accepting a voluntary assessment in accordance with subsection (e) of this Section, the penalty for offenses designated as offenses subject to voluntary assessment shall be the minimum fine for each specific offense charged, and fines shall be cumulative if more than 1 offense is charged.

(g) Court Costs and Applicability of Delaware Victim Compensation Law. - In lieu of any other court costs, and provided the offense is not subject to other proceedings under this Section, each fine for an offense under this Section shall be subject to court costs of $8.50. Each fine for an offense under this Section shall be subject also to the penalty assessment which is or may be provided for in the Delaware Victim Compensation Law, Chapter 90, of Title 11.

(h) Agreement to Accept Voluntary Assessment; Procedure. - Whenever a person is arrested for commission of an offense subject to voluntary assessment and has elected to make payment as herein provided, the arresting officer, using a Department complaint and summons citation, shall complete the Information Section and prepare the voluntary assessment form, indicating the amount of the fine, have the arrested person sign the voluntary assessment form, give a copy of the citation and form to the arrested person and release him/her from custody. The arresting officer shall also inform the arrested person of the court to which payment shall be submitted. No officer shall receive or accept custody of a payment. If the person declines to accept the voluntary assessment, the arresting officer shall follow the procedure for arrest as set forth in Chapter 19 of Title 11.

(i) Payment of Fine as Complete Satisfaction; Repeat Offenders. - (1) Payment of the prescribed fine, costs and penalty assessment is a complete satisfaction of the violation, except as provided in paragraph (2) of this subsection, but does not waive any administrative penalty in the nature of license revocations which may be lawfully revoked by the Department of Natural Resources and Environmental Control.

(2) In the event that following compliance with the payment provisions of this Section, it is determined that within the two-year period immediately preceding the violation, the violator was convicted of or made a payment pursuant to this Section in satisfaction of a violation of the same Section of this Chapter, personal appearance before the court to which the summons is returnable shall be required. Notice of the time and place for the required court appearance shall be given to the violator by the court to which the summons for the offense would be returnable.

(j) Removal from Applicability of Section. - (1) If a payment due pursuant to this Section is not received by the court to which the summons is returnable within 10 days from the date of arrest (excluding Saturday and Sunday), the violator shall be prosecuted for the offense charged on the voluntary assessment form in a manner as if a voluntary assessment form had not been issued. Upon conviction in such prosecution, the court shall impose penalties as provided for by this Chapter or other law relating to the particular violation charged, and this Section, as to payment of fines under voluntary assessments, shall not apply.

(2) In addition to the penalties provided for in paragraph (1) of this subsection, it is a Class B misdemeanor, punishable as provided by Title 11, for any person, who has elected to make payment pursuant to this Section, to fail to do so within 10 days (excluding Saturday and Sunday) from the date of arrest.

(k) Non-exclusive Procedure. - The procedure prescribed is not exclusive of any other method prescribed by law for the arrest and prosecution of persons violating this Chapter.

§6062. Report to the Department

Any court or officer of any court, before whom any prosecution, under this part, is commenced or shall go on appeal, and within 20 days after trial or dismissal thereof, shall report, in writing, the result thereof and the amount of fine or forfeiture collected, if any, and the disposition thereof, to the Department, remitting at the same time all money collected from fines and forfeitures."

Approved July 10, 1991.

CHAPTER 147

FORMERLY

SENATE BILL NO. 162
AS AMENDED BY SENATE AMENDMENT NO. 1 AND HOUSE AMENDMENT NOS. 1 AND 3

AN ACT TO AMEND TITLE 24, CHAPTER 17, RELATING TO THE RECOGNITION, REGULATION, AND LICENSURE OF PHYSICIAN'S ASSISTANTS AND TO PROVIDE FOR THE MAXIMUM UTILIZATION OF QUALIFIED PHYSICIAN'S ASSISTANTS IN THE PROVISION OF HEALTH CARE TO THE CITIZENS OF DELAWARE IN ANY HEALTH CARE PRACTICE SETTING, UNDER THE SUPERVISION OF PHYSICIANS LICENSED UNDER CHAPTER 17 OF THIS TITLE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend §1703, Chapter 17, Title 24 of the Delaware Code by adding a new Subsection (g) to read as follows:

"(g) Physician's Assistant Regulatory Council. To assist the Board of Medical Practice in the performance of its duty relating to the regulation of physician's assistants the president, with advice and approval of the Board, shall appoint a Regulatory Council for Physician's Assistants. The Regulatory Council shall be chaired by a member of the Board appointed by the president and shall have four other members. Each of those four other members shall be physician's assistants and shall meet the same requirements and be subject to the same limitations and causes for removal as a physician member of the Board, the requirement for medical licensure being replaced by that for full and unrestricted authorization to practice as a physician's assistant. Terms and limitations of service on the Physician's Assistant Regulatory Council shall be the same as for the Board. The Chairman of the Regulatory Council shall be compensated and reimbursed as a Board member. The other four members of the Regulatory Council shall be compensated at an appropriate and reasonable level as determined by the Board and shall be reimbursed for meeting-related travel and expenses at the State's current approved rate. The Physician's Assistant Regulatory Council shall meet at least once each year to review the regulation of physician's assistants and to advise the Board of policy and rules relating to that regulation. The Board shall also consult Council members for advice on particular issues or disciplinary matters. The Board shall determine the specific functions of the Physician's Assistant Regulatory Council in keeping with this statute."

Section 2. Amend Chapter 17, Title 24 of the Delaware Code by adding a new §1770 to read as follows:

"§1770. Physician's Assistants (P.A.'s).

(a) As used in this section:

(1) A 'Physician's Assistant' is defined as an individual who has graduated from a physician's or surgeon's assistant program which has been accredited by the Committee on Allied Health Education and Accreditation (CAHEA) of the American Medical Association (AMA), has passed a national certifying examination acceptable to the Physician's Assistant Advisory Council of the Board and approved by the full Board, and who is licensed under this Chapter to practice as a physician's assistant. Physician's assistants who are currently registered in the State but who are not graduates of an approved program of the type outlined above may be licensed to practice as, and use the title 'Physician's Assistant', provided the individual has successfully passed one of the national certifying examinations developed and administered by the National Board of Medical Examiners (NBME) or the National Commission on Certification of Physician's Assistants (NCCPA) on or prior to October 1987, and has maintained Continuing Medical Education (CME) credits as required by Rules and Regulations developed under this Chapter.

(2) 'Supervision of Physician's Assistants' means the ability of the supervising physician to provide or exercise control and direction over the services of physician's assistants as follows:

a. Any physician who delegates medical responsibility to a physician's assistant is responsible for that individual's medical activities and must provide adequate supervision. No function may be delegated to a physician's assistant who by statute or professional regulation is prohibited from performing that function. Supervision may be direct or indirect depending upon the type of medical responsibility delegated. The delegating physician cannot be involved in patient care in name only. A physician's assistant shall not maintain or manage an office separate and apart from the supervising physician. No regulation of the Board shall purport to authorize physician's assistants to engage in diagnosis, to prescribe or dispense legend drugs or therapeutics, to practice medicine or surgery or refractions or to pronounce a patient dead in any setting. Such licensed physician's assistants shall not delegate an assigned task to any other individual, nor shall they independently bill a patient for services rendered at the request of the physician.

b. For the purpose of clarification, the terms 'guidelines', 'standing orders', 'protocols', and 'algorithms' are synonymous in their application under these regulations. Hereafter, the term 'standing orders' will be used. Standing orders must not be used to make a medical diagnosis or to prescribe or dispense medication or other 'therapeutics'. Non-prescription medications, however, may be initiated by standing orders if these standing orders have been approved by the responsible delegating physician. Emergency care as defined in the Medical Practice Act is exempted from these regulations.

c. Direct supervision requires the delegating physician to be physically on the premises and to perform an evaluation or give a consultation. Direct supervision is required if a medical diagnosis is rendered or a treatment plan involving prescription medications is to be instituted.

d. Indirect supervision requires the physician to be either physically present on the premises or readily available by an electronic device. Readily available necessitates the ability to become physically present within thirty minutes of notification if the situation warrants such action. Indirect supervision is required whenever a physician's assistant evaluates a patient, initiates a non-prescription medication or therapeutic, or renews a previously prescribed medication or therapeutic. Direct supervision (as defined above) is required whenever a controlled substance is renewed. A physician's assistant may follow a physician-initiated standing order under the indirect supervision of the physician, providing the standing order does not call for the initiation of a prescription drug or therapeutic.

e. It is appropriate and good medical procedure for all responsible physicians who choose to have their patients followed by physician's assistants to personally re-evaluate at least every three months any patient receiving controlled substances or at least every six months any patient receiving other prescription medications or therapeutics.

f. A supervising physician may not delegate responsibilities in assisting the physician to a physician's assistant which exceed the physician's specialty.

g. A supervising physician who fails to adhere to these regulations would be considered to be permitting the unauthorized practice of medicine (as defined under §1703, subsection (6) of the Medical Practice Act) and would be subject to disciplinary action by the Board of Medical Practice.

A physician's assistant will at all times be under the control of a licensed physician, as defined in this Chapter.

(3) The phrase 'Delegated Medical Acts' means the performance of health care activities and duties by a physician's assistant under the delegation and control of a supervising physician.

(b) The Board in conjunction with the Physician's Assistant Regulatory Council shall:

(1) Adopt regulations regarding activities which may be undertaken by physician's assistants and shall license all certified physician's assistants with the Board.

(2) Define the scope of practice of physician's assistants including:

a. Issuance of license to physician's assistant to allow:

1. performance of delegated medical acts within the education and experience of the physician's assistant; and

2. performance of services customary to the practice of the supervising physician(s);

b. Delegated medical services provided by a physician's assistant to include but not limited to:

1. performance of complete histories and physical examinations;

2. recording of patient progress notes in an outpatient setting;

3. relaying, transcribing, or executing specific diagnostic or therapeutic orders so long as all such notes, orders and other writings shall be reviewed and countersigned by the supervising physician within 24 hours, barring extraordinary events or circumstances.

c. Nothing in this Chapter may be construed to authorize a physician's assistant to practice independent of a supervising physician.

d. Except as otherwise provided in this Chapter or in a medical emergency, a physician's assistant may not perform any medical act which has not been delegated by a supervising physician.

(3) Suspend or revoke the license of a physician's assistant or otherwise discipline a physician's assistant for engaging in unprofessional conduct as defined in §1731(b) of this Chapter or for inability to render medical services with reasonable skill or safety to patients because of mental illness or mental incompetence, physical illness or excessive use of drugs, including alcohol. Any disciplinary action undertaken against a physician's assistant shall be in accordance with those procedures applicable to disciplinary actions against physicians as set out in Subchapter V of this Chapter. An appeal of disciplinary action imposed by the Board shall be taken in accordance with Subchapter V of this Chapter.

(c) The Department of Administrative Services with the concurrence of the Board may, by regulation, establish reasonable fees not to exceed $100.00 for licensing physician's assistants and renewing the licensure of physician's assistants on a biennial basis.

(d) The maximum number of physician's assistants who may be supervised by a physician is two.

(e) Hospitals, clinics, and other health care facilities may employ physician's assistants; however, no more than two physician's assistants may be employed and supervised for each physician practicing in the same facility. Physician's assistants employed by health care facilities must work under protocols approved by the Board.

(f) A physician's assistant shall not practice as a member of any other health profession as authorized under this Title unless the physician assistant is duly authorized to practice that other profession under the respective Chapter and Title of this code.

Approved July 10, 1991.

CHAPTER 148

FORMERLY

SENATE BILL NO. 195
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE, ENVIRONMENTAL APPEALS BOARD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 60, Title 7, of the Delaware Code by striking §6006, §6007, §6009 and by adding thereto new sections to read as follows:

"§6006. Public Hearings.

Any public hearing held by the Secretary concerning any regulation or plan, permit application, alleged violation or variance request shall be conducted as follows:

(1) For any hearing on an application for a permit or an alleged violation or variance request, notification shall be served upon the applicant or alleged violator as summonses are served or by registered or certified mail not less than 20 days before the time of said hearing. Not less than 20 days' notice shall also be published in a newspaper of general circulation in the county in which the activity is proposed or the alleged violation has occurred and in a daily newspaper or general circulation throughout the State.

(2) For a hearing on a regulation or plan proposed for adoption, notification shall be published in a newspaper of general circulation in each county and in a newspaper of general circulation in the State. Such notification shall include (i) a brief description of the regulation or plan, (ii) time and place of hearing and (iii) time and place where copies of the proposed regulation may be obtained and a copy of the plan is available for public scrutiny. Such notice shall also be sent to any persons who have requested such notification from the Department providing the name and mailing address.

(3) The permit applicant or the alleged violator or party requesting a variance may appear personally or by counsel at the hearing and produce any competent evidence in his/her behalf. The Secretary or his/her duly authorized designee may administer oaths, examine witnesses and issue, in the name of the department, notices of hearings or subpoenas requiring the testimony of witnesses and production of books, records or other documents relevant to any matter involved in such hearing; and subpoena shall also be issued at the request of the applicant or alleged violator or party requesting a variance. In case of contumacy or refusal to obey a notice of hearing or subpoena under this section, the Superior Court in the county in which the hearing is held shall have jurisdiction upon application of the Secretary, to issue an order requiring such person to appear and testify or produce evidence as the case may require.

(4) A record from which a verbatim transcript can be prepared shall be made of all hearings and shall, also with the exhibits and other documents introduced by the Secretary or other party, constitute the record. The expense of preparing any transcript shall be borne by the person requesting it. The Secretary shall make findings of fact based on the record. The Secretary shall then enter an order that will best further the purpose of this chapter, and the order shall include reasons. The Secretary shall promptly give written notice to the persons affected by such order.

(5) The Secretary may establish a fee schedule for applications and hearings, and may collect from the applicant or from a violator finally adjudged guilty, the necessary expenses of the Department for conducting the hearing, or a reasonable fee for processing an application, or both. Any fees collected under this chapter are hereby appropriated to the Department to carry out the purposes of this chapter. The Secretary shall report through the annual budget process the receipt, proposed use and disbursement of these funds.

§6007. Establishment of Environmental Appeals Board.

(a) There is hereby created an Environmental Appeals Board which shall consist of 7 Delaware residents, appointed by the Governor with the advice and consent of the Senate. The Chairman shall be appointed by the Governor and serve at his pleasure. Each county shall be represented by 2 members. Registered members of either major political party shall not exceed the other major political party by more than 1. The term of each member appointed shall be 3 years. Vacancies in Board membership shall be filled by the Governor for the remainder of the unexpired term.

(b) The Board is a quasi-judicial review Board which is constituted in order to hear appeals of decisions of the Secretary. The Board or its designee may issue subpoenas by certified mail for witnesses or evidence; administer oaths to witnesses; and conduct pre-hearing conferences for the simplification of issues by consent, for the disposal of procedural requests or disputes and to regulate and expedite the course of the hearing.

(c) A simple majority of the Board shall constitute a quorum. A simple majority of those members present of the Board shall be required to override the decision of the Secretary. The Board shall schedule, but not necessarily conduct a hearing within 30 days following the receipt of the appeal. In any event, the Board shall conduct but not necessarily complete the hearing within 180 days following the receipt of the appeal unless the parties agree otherwise. The Board may verbally announce the decision at the conclusion of the hearing. A written decision shall be mailed to the parties by certified mail within 90 days after the completion of the hearing. If the Board fails to conduct the hearing or to issue the written opinion as required, the decision of the Secretary shall be a final decision for the purposes of appeal.

(d) Any member of the Board with a personal or private financial interest in the outcome of an appeal before the Board shall disqualify himself or herself from any consideration of that matter and shall inform the Chairman who shall note such interest on the record of the hearing.

(e) Each Board member shall be compensated for such reasonable expenses as travel and meals for each meeting and hearing attended.

(f) The Environmental Appeals Board shall adopt such rules and regulations as are necessary to provide procedures to implement the terms of sections 6007, 6008 and 6009 of this Title, which shall apply to appeals to the Environmental Appeals Board. Prior to adopting any such rules and regulations, the Board shall designate a day, time and place for a public hearing on such proposed rules or for any amendments to existing or proposed rules and regulations. The Board shall give 20 days notice of such hearing by publication in a newspaper of general circulation in the State and shall make copies of such proposed regulations available to the public upon request. The public hearing on such regulations shall be consistent with the provisions of Chapter 101, Title 29 of this Code.

(g) In any appeal to the Board there shall be required a reasonable fee, as established by the General Assembly to cover such costs as are incurred during the appeal. The fees charged by the Environmental Appeals Board shall be deposited in a special account in the name of the Environmental Appeals Board and shall be used solely for the costs and expenses of that Board in holding its hearings and proceedings.

§6008. Appeals to Board.

(a) Any person whose interest is substantially affected by any action of the Secretary may appeal to the Environmental Appeals Board within 20 days after receipt of the Secretary's decision, or publication of the decision. The Board shall conduct a public hearing for all appeals in accordance with Chapter 101, Title 29 of this Code. Deliberations of the Board may be conducted in executive session. Each member who votes shall indicate the nature of his or her vote in the written decision.

(b) Whenever a final decision of the Secretary concerning any case decision, including but not limited to any permit or enforcement action is appealed, the Board shall hold a public hearing in accordance with Chapter 101, Title 29 of this Code. The record before the Board shall include the

entire record before the Secretary. All Parties to the appeal may appear personally or by counsel at the hearing and may produce any competent evidence in their behalf. The Board may exclude any evidence which is plainly irrelevant, immaterial, insubstantial, cumulative or unduly repetitive, and may limit unduly repetitive proof, rebuttal and cross-examination. The burden of proof is upon the appellant to show that the Secretary's decision is not supported by the evidence on the record before the Board. The Board may affirm, reverse, or remand with instructions any appeal of a case decision of the Secretary.

(c) Appeals of regulations shall be on the record before the Secretary. The Board may hear new evidence if it is relevant to or clarifies those issues in the record before the Secretary. The Board may exclude any new evidence which is plainly irrelevant, immaterial, insubstantial, cumulative or unduly repetitive. Regulations will be presumed valid, and the burden will be upon the appellant to show that the regulations are arbitrary and capricious, or adopted without a reasonable basis in the record. The Board shall take due account of the Secretary's experience and specialized competence and of the purposes of this chapter in making its determination. The board may affirm, reverse, or remand any appeal of regulations promulgated by the Secretary.

(d) The decision of the Board shall be signed by all members who were present at the hearing.

(e) There shall be no appeal of a decision by the Secretary to deny a permit on any matter involving state-owned land including subaqueous lands, except an appeal shall lie on the sole ground that the decision was discriminatory in that the applicant, whose circumstances are like and similar to those of other applicants, was not afforded like and similar treatment.

(f) No appeal shall operate to stay automatically any action of the Secretary, but upon application, and for good cause, the Secretary or the Court of Chancery may stay the action pending disposition of the appeal.

(g) At any time after the appeal to the Board, the parties may, by stipulation, proceed directly to Superior Court, in which case the Court may affirm, reverse or remand the Secretary's decision based on the record before the Secretary and the Board and whatever other evidence the parties may submit by stipulation. The standard of review for such an appeal shall be governed by the provisions of §6008(b) and §6008(c) of this Title.

(h) In those circumstances in which the Board concludes that an immediate and expedited review of a decision of the Secretary is appropriate or necessary, the Board may hold a public hearing on the appeal at the earliest possible time and issue a decision on such appeal. In such a case, the notice requirements of Section 6008 and 29 Del. C. Chapter 101 do not apply, and the Board shall give advance notice of the hearing only to the extent reasonably possible.

§6009. Appeal From the Board's Decision

(a) Any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the State, aggrieved by any decision of the Board, may appeal to the Superior Court in and for the county in which the activity in question is wholly or principally located by filing a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Any such appeal shall be perfected within 30 days of the receipt of the written opinion of the Board.

(b) The Court may affirm, reverse or modify the Board's decision. The Board's findings of fact shall not be set aside unless the Court determines that the records contain no substantial evidence that would reasonably support the findings. If the Court finds that additional evidence should be taken, the Court may remand the case to the Board for completion of the record.

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(d) Any member of the Board with a personal or private financial interest in the outcome of an appeal before the Board shall disqualify himself or herself from any consideration of that matter and shall inform the Chairman who shall note such interest on the record of the hearing.

(e) Each Board member shall be compensated for such reasonable expenses as travel and meals for each meeting and hearing attended.

(f) The Environmental Appeals Board shall adopt such rules and regulations as are necessary to provide procedures to implement the terms of sections 6007, 6008 and 6009 of this Title, which shall apply to appeals to the Environmental Appeals Board. Prior to adopting any such rules and regulations, the Board shall designate a day, time and place for a public hearing on such proposed rules or for any amendments to existing or proposed rules and regulations. The Board shall give 20 days notice of such hearing by publication in a newspaper of general circulation in the State and shall make copies of such proposed regulations available to the public upon request. The public hearing on such regulations shall be consistent with the provisions of Chapter 101, Title 29 of this Code.

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(b) Whenever a final decision of the Secretary concerning any case decision, including but not limited to any permit or enforcement action is appealed, the Board shall hold a public hearing in accordance with Chapter 101, Title 29 of this Code. The record before the Board shall include the

entire record before the Secretary. All Parties to the appeal may appear personally or by counsel at the hearing and may produce any competent evidence in their behalf. The Board may exclude any evidence which is plainly irrelevant, immaterial, insubstantial, cumulative or unduly repetitive, and may limit unduly repetitive proof, rebuttal and cross-examination. The burden of proof is upon the appellant to show that the Secretary's decision is not supported by the evidence on the record before the Board. The Board may affirm, reverse, or remand with instructions any appeal of a case decision of the Secretary.

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(d) The decision of the Board shall be signed by all members who were present at the hearing.

(e) There shall be no appeal of a decision by the Secretary to deny a permit on any matter involving state-owned land including subaqueous lands, except an appeal shall lie on the sole ground that the decision was discriminatory in that the applicant, whose circumstances are like and similar to those of other applicants, was not afforded like and similar treatment.

(f) No appeal shall operate to stay automatically any action of the Secretary, but upon application, and for good cause, the Secretary or the Court of Chancery may stay the action pending disposition of the appeal.

(g) At any time after the appeal to the Board, the parties may, by stipulation, proceed directly to Superior Court, in which case the Court may affirm, reverse or remand the Secretary's decision based on the record before the Secretary and the Board and whatever other evidence the parties may submit by stipulation. The standard of review for such an appeal shall be governed by the provisions of §6008(b) and §6008(c) of this Title.

(h) In those circumstances in which the Board concludes that an immediate and expedited review of a decision of the Secretary is appropriate or necessary, the Board may hold a public hearing on the appeal at the earliest possible time and issue a decision on such appeal. In such a case, the notice requirements of Section 6008 and 29 Del. C. Chapter 101 do not apply, and the Board shall give advance notice of the hearing only to the extent reasonably possible.

§6009. Appeal From the Board's Decision

(a) Any person or persons, jointly or severally, or any taxpayer, or any officer, department, board or bureau of the State, aggrieved by any decision of the Board, may appeal to the Superior Court in and for the county in which the activity in question is wholly or principally located by filing a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Any such appeal shall be perfected within 30 days of the receipt of the written opinion of the Board.

(b) The Court may affirm, reverse or modify the Board's decision. The Board's findings of fact shall not be set aside unless the Court determines that the records contain no substantial evidence that would reasonably support the findings. If the Court finds that additional evidence should be taken, the Court may remand the case to the Board for completion of the record.

(c) No appeal shall operate to stay automatically any action of the Secretary but upon application, and for good cause, the Board or the Court of Chancery may stay the action pending disposition of the appeal."

Section 2. The members of the Environmental Appeals Board who are serving at the time of enactment of this Act, shall continue to serve until expiration of their present term of appointment.

Approved July 10, 1991.

CHAPTER 149

FORMERLY

SENATE BILL NO. 197
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLES 29 AND 31 OF THE DELAWARE CODE RELATING TO THE DISSOLUTION OF THE DEPARTMENT OF COMMUNITY AFFAIRS AND THE TRANSFER OF ITS FUNCTIONS TO OTHER GOVERNMENTAL AGENCIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 79, Title 29 of the Delaware Code by adding a new §7906 to read as follows:

"§7906. Community Services.

There are established within the Department of Health and Social Services the programs and functions of Community Services involving all of the powers, duties and functions heretofore performed within the former Department of Community Affairs pursuant to section 4 of Executive Order Number 123 dated December 29, 1982."

Section 2. Amend Chapter 86, Title 29 of the Delaware Code by deleting §8629.

Section 3. Amend Chapter 79, Title 29 of the Delaware Code by adding a new §7914 to read as follows:

"§7914. Volunteer Services.

There are established within the Department of Health and Social Services the programs and functions of Volunteer Services involving all of the powers, duties and functions heretofore performed within the Division of Volunteer Services of the Department of Community Affairs pursuant to former §8629 of Title 29."

Section 4. Amend Chapters 86 and 79, Title 29 of the Delaware Code by redesignating §8630 of Title 29 as new §7914A of Title 29.

Section 5. Amend new §7914A(a) of Title 29 by deleting the words "Department of Community Affairs and Economic Development" as they appear in the first sentence of said subsection and substitute in lieu thereof the words "Department of Health and Social Services".

Section 6. Amend Chapters 86 and 87, Title 29 of the Delaware Code by redesignating §§8610 and 8611 of Title 29 as new §§8731 and 8732 of Title 29.

Section 7. Amend Chapters 86 and 87, Title 29 of the Delaware Code by redesignating §8604 of Title 29 as new §8733 of Title 29."

Section 8. Amend §8612, Title 29 of the Delaware Code by deleting it in its entirety.

Section 9. Amend Chapters 86 and 88, Title 29 of the Delaware Code by redesignating §§8613 and 8614 of Title 29 as new §§8824 and 8825 of Title 29.

Section 10. Amend Chapter 88, Title 29 of the Delaware Code by adding a new §8823 to read as follows:

"§8823. Consumer Affairs.

There are established within the Department of Adminstrative Services the programs and functions of Consumer Affairs involving all of the powers, duties and functions heretofore performed within the Division of Consumer Affairs of the Department of Community Affairs pursuant to former §8612 of Title 29."

Section 11. Amend Chapters 86 and 88, Title 29 of the Delaware Code by redesignating §§8640 through 8644 of Title 29 as new §§8826 through 8830 of Title 29.

Section 12. Amend new §8826(a), Title 29 of the Delaware Code by deleting the first sentence of said subsection and substituting in lieu thereof the following:

"(a) There is established within the Department of Administrative Services the Office of the Public Advocate."

Section 13. Amend new §8830(a), Title 29 of the Delaware Code by deleting the words "Secretary of Community Affairs and Economic Development" as they appear in the first sentence of said subsection and substitute in lieu thereof the words "Secretary of Administrative Services".

Section 14. Amend Chapters 86 and 88, Title 29 of the Delaware Code by redesignating §8606, Title 29 as new §8831, Title 29.

Section 15. Amend new §8831(c), Title 29 Delaware Code by deleting the words "Department of Community Affairs" as they appear therein and by inserting in lieu thereof the words "Department of Administrative Services."

Section 16. Amend new §8831(d) and (g), Title 29 of the Delaware Code by deleting the words "Department of Community Affairs" as they appear in each subsection and substitute in lieu thereof the words "Department of Administrative Services".

Section 17. Amend Chapters 86 and 85, Title 29 of the Delaware Code by redesignating §8624 of Title 29 as §8507 of Title 29.

Section 18. Amend new §8507(a), Title 29 of the Delaware Code by deleting the last sentence of said subsection and substituting in lieu thereof the following:

"The Commission shall be a unit of the Department of Labor and shall report to the Governor and the General Assembly through the Secretary."

Section 19. Amend new §8507(h), Title 29 of the Delaware Code by deleting the words "Secretary of the Department of Community Affairs and Economic Development" as they appear insaid subsection and substitute in lieu thereof the words "Secretary of the Department of Labor".

Section 20. Amend Chapters 86 and 79, Title 29 of the Delaware Code by redesignating §§8625 through 8628 of Title 29 as new §§7950 through 7953 of Title 29 and by designating said new sections of Chapter 79 as "Subchapter IV. Emergency Housing Fund".

Section 21. Amend new §7950(1), Title 29 of the Delaware Code by deleting the words "Secretary of the Department of Community Affairs and Economic Development as specified in §8603 of this title" as they appear in the first sentence of said paragraph and substitute in lieu thereof the words "Secretary of the Department of Health and Social Services".

Section 22. Amend new §7951(b), Title 29 of the Delaware Code by deleting said subsection in its entirety and substituting in lieu thereof the following:

"(b) 'Department' means the Department of Health and Social Services."

Section 23. Amend new §7952(a), Title 29 of the Delaware Code by deleting the symbol and number "§8628" as it appears in said subsection and substitute in lieu thereof the symbol and number "§7953".

Section 24. Amend new §7952(d), Title 29 of the Delaware Code by deleting the words "Department of Community Affairs and Economic Development" as they appear in said subsection and substitute in lieu thereof the words "Department of Health and Social Services".

Section 25. Amend new §7953, Title 29 of the Delaware Code by striking the symbol and number "§8627" as they appear in subsection (b) of said section and substituting in lieu thereof the symbol and number "§7952"; by striking the symbols and numbers "§§8625-8628" as they appear in subsection (d) of said section and substituting in lieu thereof the symbols and numbers "§§7950-7953"; and by striking the words "Department of Community Affairs and Economic Development" as they appear insubsection (d) of said section and

substituting in lieu thereof the words "Department of Health and Social Services".

Section 26. Amend Chapter 86, Title 29 of the Delaware Code by striking §§8601 through 8603, §8605 and §§8615 through 8623 in their entirety.

Section 27. Amend §8708, Title 29 of the Delaware Code by deleting the word "and" as it appears at the end of paragraph (5) of said section; by striking the "." at the end of paragraph (6) and substituting in lieu thereof ";"; and by adding the following new paragraphs to read:

"(7) Director of Libraries; and

(8) Chief of Human Relations."

Section 28. Amend §8815, Title 29 of the Delaware Code by deleting the "." at the end of paragraph (2) of said section and substituting in lieu thereof a ";", and by adding the following new paragraph:

"(8) Director of Consumer Affairs."

Section 29. Amend §4099, Title 31 of the Delaware Code by deleting the words "Department of Community Affairs" as they appear in said section and substitute in lieu thereof the words "Department of Health and Social Services."

Section 30. Any and all rights of appeal now existing by law with respect to any act or acts constituting the exercise of any function or functions of any Division, Office, Council, Board or Commission, transferred by this Act shall continue to exist with respect to such act or acts as hereafter performed by the Department or the division, subdivision or office to which such function is transferred by this Act. Each such appeal shall be perfected in the same manner as heretofore provided by law.

Section 31. All property, including all books, records, papers, maps, charts, plans and other material including, but not limited to, any equipment and other materials owned by or in the possession of any agency of the State and used inconnection with a function transferred by this Act shall, on the effective date of this act, be delivered into the custody of the Department or the division, subdivision or office to which the agency is transferred. All investigations, petitions, hearings and legal proceedings pending before, or instituted by, any agency, board, or commission from which functions are transferred by this Act and which are not concluded prior to the effective date of this Act shall continue unabated and remain in full force and effect, notwithstanding the passage of this Act and, where necessary, may be completed before, by or in the name of the Department, or the division, subdivision or office to which the agency, board or commission is transferred. All orders, rules and regulations made by any agency, board, or commission from which functions are transferred by this Act and which govern such functions, and which are in effect upon the effective date of this Act, shall remain in full force and effect until revoked or modified in accordance with law by the Department, or the division, subdivision or office to which the agency, board or commission is transferred. All contracts and obligations of any agency made or undertaken in the performance of a function transferred by this Act to the Department and being in force on the effective date of this Act, shall, notwithstanding this Act, remain in full force and effect and be performed by the Department, or the division, subdivision or office to which the function is transferred.

Section 32. Employees of any commission, board, council or agency whose functions are consistent with this Act and which have been transferred by this Act, shall continue and be deemed to be the employees of the Department, or the division,

subdivision, or office to which they have been transferred on the effective date of this Act and, where applicable, with all the benefits accrued as merit employees as of the effective date of this Act.

Section 33. All definitions and references to any commission, board, department, council or agency which appear in any other act or law shall, to the extent that they are consistent with this Act and in connection with a function transferred by this Act, are to be construed as referring and

relating to the Department, division, office or subdivision to which the function is transferred.

Section 34. All definitions and references to any director, commissioner, commission, board or council member or other similar person which appear in any other act or law shall, to the extent that they are consistent with this Act, and in connection with a function transferred by this Act, are to be construed as referring or relating to such person or persons and his or her powers, duties and functions as transferred by this Act.

Section 35. Any misnomer shall not defeat or annul any gift, grant, devise or bequest if it sufficiently appears by the will, conveyance or other writing that the party making the same intended to pass and convey thereby to any commission, board, department, authority, council or agency, to which, by this Act, the powers, duties and functions have been transferred, the estate or interest therein expressed or described.

Section 36. All funds heretofore awarded by federal Grantor agencies or heretofore authorized in Capital Improvements or Budget Acts of the State of Delaware and appropriated to the Department of Community Affairs, which remain unexpended or unencumbered on the effective date of this Act and which are not otherwise specifically transferred by other laws which may be enacted prior to or subsequent to the effective date of this Act are hereby transferred to the departments or to any subdivision thereof to which the function or functions of the Department of Community Affairs for which these funds were originally awarded or appropriated have been transferred by this Act.

Section 37. All other laws or parts of laws now in effect inconsistent with this Act are hereby repealed, superseded, modified or amended so far as necessary to conform to, and give full force and effect to, this Act.

Section 38. If any provision of this Act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Act or the Delaware Code which shall be given effect without the invalid provision or application, and to that end the provisions of this Act are declared to be severable.

Section 39. This Act shall be effective July 1, 1991.

Approved July 10, 1991.

CHAPTER 150

FORMERLY

SENATE BILL NO. 203

AN ACT TO AMEND TITLE 29 AND TITLE 14 OF THE DELAWARE CODE, RELATING TO POST-RETIREMENT LUMP SUM DEATH BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5546 of Title 29 of the Delaware Code by striking the amount $3,000" as it appears therein, and substituting in lieu thereof the amount "$4,000".

Section 2. Amend §3910, Chapter 39, Title 14, Delaware Code by striking the amount "$2,000" as it appears therein, and substituting in lieu thereof the amount "$4,000".

Section 3. This Act shall be effective for the beneficiaries or the estates of decedents dying after June 30, 1991.

Approved July 10, 1991.

CHAPTER 151

FORMERLY

HOUSE BILL NO. 165
AS AMENDED BY HOUSE AMENDMENT NO. 2

AN ACT TO AMEND CHAPTER 25, TITLE 30 OF THE DELAWARE CODE RELATING TO CONTRACTOR'S LICENSE REQUIREMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 25, §2502(a), Title 30, Delaware Code by inserting a new sentence after the end of the second sentence as it currently appears to read as follows:

"In the case of contracts in excess of $50,000 which are competively bid, such person shall have initiated the license application procedure required by this subsection with the Division of Revenue prior to, or in conjunction with, the submission of a bid on a contract, or in the case of a subcontractor, prior to the submission of a bid by the general contractor."

Approved July 11, 1991.

CHAPTER 152

FORMERLY

SENATE BILL NO. 125

AN ACT TO AMEND CHAPTERS 17 AND 19 OF TITLE 24, DELAWARE CODE RELATING TO PRONOUNCEMENTS OF DEATH.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1703 (e)(9), Chapter 17, Title 24, Delaware Code by striking the words "or a certified home health care agency devoted primarily to caring for the terminally ill" after the word "program" and before the words "or in a hospice" in subsection (e)(9) and adding the words "or a certified home health care agency program; in a skilled nursing facility; in an extended care facility;" in their place; and further striking the period "." after the word "death" and inserting the following: "in that case."

Section 2. Amend §1902 (b), Chapter 19, Title 24, Delaware Code by striking the words "or a certified home health care agency devoted primarily to caring for the terminally ill" after the word "program" and before the words ", or in a hospice" in the second paragraph of subsection (b), and adding the words, "or a certified home health care agency program; in a skilled nursing facility; in an extended care facility;" in their place; and further striking the period "." after the word "death" in the second paragraph of subsection (b) and adding the following: "in that case."

Approved July 11, 1991.

CHAPTER 153

FORMERLY

HOUSE BILL NO. 136
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES TO GIVE THE BOARD OF NURSING THE AUTHORITY TO TEMPORARILY SUSPEND A LICENSE, PENDING A FINAL HEARING, WHEN THERE IS IMMEDIATE OR IMMINENT DANGER TO THE PUBLIC HEALTH, WELFARE, AND SAFETY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 24, Delaware Code, by adding thereto a new Section 1922A as follows:

"§1922A. Temporary suspension; pending hearing.

(a) In the event the Board receives a written complaint concerning a licensee's activities which the Board determines alleges matters presenting an immediate or imminent danger to the public health, welfare, and safety requiring emergency action, the Board may issue an order temporarily suspending the licensee's license, pending a final hearing on the complaint. No order temporarily suspending a license shall be issued by the Board, with less than twenty four (24) hours prior written or oral notice to the nurse or his or her attorney so that the nurse or his or her attorney may be heard in opposition to the proposed suspension and unless at least a quorum of the Board votes in favor of a temporary suspension. An order of temporary suspension under this section shall remain in effect for a period not longer than sixty (60) days from the date of the issuance of said order, unless the suspended nurse requests a continuance of the date for the final hearing before the Board. If a continuance is requested, the order of temporary suspension shall remain in effect until the Board has rendered a decision after the final hearing.

(b) The licensee, whose license has been temporarily suspended shall be notified forthwith in writing. Notification shall consist of a copy of the complaint and the order of temporary suspension pending a hearing and shall be personally served upon the licensee or sent by certified mail, return receipt requested, to the licensee's last known address.

(c) A licensee whose license has been temporarily suspended pursuant to this section may request an expedited hearing. The Board shall schedule the hearing on an expedited basis provided that the Board receives the licensee's request for an expedited hearing within five (5) calendar days from the date on which the licensee received notification of the Board's decision to temporarily suspend his or her license.

(d) As soon as possible, but in no event later than sixty (60) days after the issuance of the order of temporary suspension, the Board shall convene for a hearing on the complaint. In the event that a licensee, in a timely manner, requests an expedited hearing, the Board shall convene within fifteen (15) days of the receipt by the Board of such a request and shall render a decision within thirty (30) days.

(e) In no event shall an order of temporary suspension remain in effect for longer than sixty (60) days unless the suspended licensee requests an extension of the order of temporary suspension pending a final decision of the Board. Upon a final decision of the Board, the order of temporary suspension shall be vacated in favor of the disciplinary action ordered by the Board."

Approved July 11, 1991.

CHAPTER 154

FORMERLY

SENATE BILL NO. 225

AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO REAL ESTATE BROKERS, SALESPERSONS, AND APPRAISERS AND PSYCHOLOGICALLY IMPACTED PROPERTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 29, Title 24 of the Delaware Code by adding thereto a new section 2929 which shall read as follows:

"§2929 Certain Psychological Impacts Not Material Facts

(a) As used in this section, "transferee" includes, but shall not be limited to, a buyer, purchaser, grantee, lessee, tenant or one making an exchange of any estate or interest in real property.

(b) As used in this section, the terms "psychologically impacted" and "psychological impacts" mean:

(1) That the property was, or was at any time suspected to have been the site of a homicide, suicide or other felony except arson.

(2) That an occupant of real property is or was at any time suspected to be infected or has been infected with Human Immuno-deficiency Virus or diagnosed with Acquired Immune Deficiency Syndrome (AIDS), or any other disease which has been determined by medical evidence to be highly unlikely to be transmitted through the occupancy of a dwelling place.

(c) As used in this section, "agent" means any person licensed as a Broker, Salesperson or Appraiser pursuant to 24 Del. C. 2901 et.seq.

(d) The fact or suspicion that a property might be or is psychologically impacted is not a material fact that must be disclosed in a real property transaction.

(e) No cause of action shall arise against an owner or appraiser of real property or the agent of such an owner or the agent of a transferee of real property for failure to inquire about, make a disclosure about or release information about the fact or suspicion that such property is psychologically impacted.

(f) If a potential transferee makes a specific written request to the owner or agent about the psychological impacts defined above in section (b)(1) regarding a specific property, the owner or agent shall answer the transferee's questions truthfully, to the best of such owner's or agent's knowledge. The agent shall have no duty to inquire about the psychological impacts defined above in section (b)(1) regarding a specific property unless a transferee, in writing, specifically requests the agent to ask the owner for such information.

(g) The agent shall not make any disclosure concerning those psychological impacts defined above in section (b)(2) even if a buyer specifically asks about such psychological impacts.

Approved July 11, 1991.

CHAPTER 155

FORMERLY

HOUSE BILL NO. 392

AN ACT TO AMEND AN ACT ENTITLED "AN ACT MAKING APPROPRIATIONS FOR THE EXPENSE OF STATE GOVERNMENT FOR THE FISCAL YEAR ENDING JUNE 30, 1992; SPECIFYING CERTAIN PROCEDURES, CONDITIONS AND LIMITATIONS FOR THE EXPENDITURE OF SUCH FUNDS; AND AMENDING CERTAIN PERTINENT STATUTORY PROVISIONS", BEING HOUSE BILL NO. 350 OF THE 136TH GENERAL ASSEMBLY OF THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 1 of House Bill No. 350 of the 136th General Assembly of the State of Delaware by striking the figure "$72,843.8" as it appears on line 19, page 24 of said Bill and inserting in lieu thereof the figure "$52,843.8".

Section 2. Further amend Section 1 of House Bill No. 350 of the 136th General Assembly of the State of Delaware by recomputing all totals and subtotals as they appear in said Bill.

Approved July 11, 1991.

CHAPTER 156

FORMERLY

HOUSE BILL NO. 390

A BOND AND CAPITAL IMPROVEMENTS ACT OF THE STATE OF DELAWARE AND CERTAIN OF ITS AUTHORITIES DEAUTHORIZING AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE STATE, GUARANTEED INDUSTRIAL REVENUE BONDS, REVENUE BONDS OF THE DELAWARE TRANSPORTATION AUTHORITY AND THE TRANSPORTATION TRUST FUND; REVERTING AND REPROGRAMMING CERTAIN SURPLUS FUNDS OF THE STATE AND REPROGRAMMING CERTAIN FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; CREATING CERTAIN FUNDS OF THE STATE; APPROPRIATING CERTAIN FUNDS FROM THE GENERAL FUND, THE TRANSPORTATION TRUST FUND AND SPECIAL FUNDS OF THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING VOLUME 67, CHAPTER 360 AND VOLUME 68, CHAPTER 32, DELAWARE LAWS RELATING TO TRANSFER OF LIBRARY APPROPRIATION BALANCES; AMENDING TITLE 29, DELAWARE CODE RELATING TO DEBT LIMITS; AUTHORIZING THE DEPARTMENT OF ADMINISTRATIVE SERVICES TO ALLOCATE STRIPPER WELL FUNDS TO CERTAIN ELIGIBLE CAPITAL IMPROVEMENTS AUTHORIZED IN THIS ACT; AMENDING VOLUME 67, CHAPTER 46, LAWS OF DELAWARE RELATING TO THE REPROGRAMMING OF CERTAIN FUNDS OF THE TRANSPORTATION TRUST FUND; AMENDING TITLE 17, CHAPTER 1, DELAWARE CODE RELATING TO THE POWERS AND DUTIES OF THE DEPARTMENT OF TRANSPORTATION; AMENDING TITLE 29, CHAPTER 69, DELAWARE CODE RELATING TO THE PROCUREMENT OF MATERIELS AND AWARD OF CONTRACTS; AMENDING TITLE 30, CHAPTER 52, DELAWARE CODE RELATING TO MOTOR FUEL PURCHASE; AMENDING TITLE 21, CHAPTER 4, DELAWARE CODE RELATING TO RECIPROCAL AGREEMENTS; AMENDING TITLE 21, CHAPTER 3, DELAWARE CODE RELATING TO THE TRANSPORTATION TRUST FUND AND THE DEPARTMENT OF PUBLIC SAFETY; AMENDING TITLE 30, CHAPTER 30, DELAWARE CODE RELATING TO MOTOR VEHICLE DOCUMENT FEE AND AUTOMOBILE DEALER HANDLING FEE AND LICENSE FEE; AMENDING TITLE 30, CHAPTER 51, DELAWARE CODE RELATING TO MOTOR FUEL TAX; AMENDING CHAPTER 14, TITLE 2 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF THE TRANSPORTATION TRUST FUND; AMENDING TITLE 30, CHAPTER 52, DELAWARE CODE RELATING TO MOTOR CARRIER FUEL PURCHASE FEES AND AGREEMENTS; AMENDING TITLE 2, CHAPTER 13, DELAWARE CODE RELATING TO THE DELAWARE TRANSPORTATION AUTHORITY; AMENDING TITLE 21, CHAPTER 21, DELAWARE CODE RELATING TO FEES FOR REGISTRATION OF VEHICLES; AMENDING TITLE 21, CHAPTER 23, DELAWARE CODE RELATING TO FEES FOR VEHICLE TITLES AND LIENS; AMENDING TITLE 21, CHAPTER 25, DELAWARE CODE RELATING TO FEES FOR TRANSFER OF TITLE, REGISTRATION, AND LIENS; AMEND CHAPTER 75, TITLE 29, AND CHAPTER 26, TITLE 14, OF THE DELAWARE CODE, RELATING TO EQUALIZATION OF SCHOOL CONSTRUCTION FUNDS; AND AMENDING VOLUME 67, CHAPTER 285, DELAWARE LAWS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-quarters of all members elected to each House thereof concurring therein):

Section 1. Deauthorization of Prior General Obligation Bond Authorizations. The State hereby repeals the authorization to issue bonds, the proceeds of which were heretofore appropriated to the following departments and agencies for the following projects and amounts:

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Appropriation Code	Amount
Department of Correction	67/285	38-04-05-6112	$8,000,000
Department of Correction	67/285	38-04-06-6112	5,000,000
TOTAL			$13,000,000

Section 2. Deauthorization of State Guaranteed Bonds.

(a) Amend §5054(d)(2) of Title 29 of the Delaware Code, as amended, by striking the number "$15,883,515" wherever it appears in said subsection and inserting in lieu thereof the number "$14,342,315".

(b) Nothing in this Act shall reduce the amount of bonds authorized to be issued by The Delaware Economic Development Authority, or any successor authority, to which may be pledged the full faith and credit of the State below the amount of such bonds issued and unpaid on the effective date of this Act. The provisions of Section 11 of Chapter 387 of Volume 63 of the Laws of Delaware shall apply in this regard.

Section 3. Authorization of Twenty-Year Bonds. The State hereby authorizes the issuance of Sixty-One Million Nine Hundred Eighty Five Thousand Dollars ($61,985,000) of bonds, in addition to Seven Million Five Hundred Eighty Nine Thousand

Nine Hundred Dollars ($7,589,900) for local share of school bonds, to which the State shall pledge its full faith and credit. Bonds authorized to be used by this Section shall mature not later than twenty (20) years from their date of issuance. The proceeds of such bonds are hereby appropriated for a portion of the purposes set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof and summarized as follows:

Department, Agency, or Instrumentality	Amount
Budget Office	$ 1,164,000
Delaware Development Office	7,750,000
Department of State	2,510,700
Department of Administrative Services	1,550,000
Department of Health & Social Services	3,855,600
Department of Services for Children, Youth & Their Families	1,400,000
Department of Natural Resources & Environmental Control	10,575,000
State Fire Prevention Commission	127,600
University of Delaware	7,000,000
Delaware State College	2,300,000
Delaware Technical & Community College	9,200,000
State Board of Education	14,552,100

Purpose	Maximum State Share	Local Share	Maximum Total Cost
Laurel-Oistrict Renovs/Adds	$ 1,938,200	$1,292,200	$3,230,400
Appoquinimink-Dist Repairs/Replac.	276,300	184,200	460,500
Kent Vo-Tech Conv/Constr.	3,332,500	833,100	4,165,600
Sussex Vo-Tech Conv/Constr.	1,751,600	985,300	2,736,900
Christina-Roof Replac/Renov/Add.	3,037,000	2,024,700	5,061,700
Milford-Renov/Adds.	4,216,500	2,270,400	6,486,900
Subtotal	$14,552,100	$7,589,900	$22,142,000
TOTAL			$61,985,000

Section 4. Authorization of Ten-Year Bonds. The State hereby authorizes the issuance of Fourteen Million Seven Hundred Thirty One Thousand Two Hundred Dollars ($14,731,200) in bonds, in addition to Three Million One Hundred Twenty Three Thousand One Hundred Ninety Five Dollars ($3,123,195) for local share of school bonds, to which the State shall pledge its full faith and credit. Bonds authorized to be issued by this Section shall mature not later than ten (10) years from their date of issuance. The proceeds of such bonds are hereby appropriated for a portion of the purposes set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof and summarized as follows:

Department, Agency, or Instrumentality	Amount
Department of State	$ 374,500
Department of Administrative Services	2,225,300
Department of Services for Children, Youth & Their Families	239,100
Department of Correction	920,000
Department of Natural Resources & Environmental Control	2,802,200
Department of Public Safety	114,700
Delaware National Guard	252,400

Delaware State College	736,800
Delaware Technical & Community College	880,900
State Board of Education	6,185,300

Purpose	Maximum State Share	Local Share	Maximum Total Cost
Minor Capital Improvements	$4,422,200	$2,616,495	$7,038,695
Annual Maintenance Program	1,003,100	-0-	1,003,100
Architectural Barrier Removal	160,000	106,700	266,700
NCC Vo-Tech-Howard Career Cntr	300,000	200,000	500,000
Brandywine Dist-MCI/Claymont High School	300,000	200,000	500,000
Subtotal	$6,185,300	$3,123,195	$9,308,495
TOTAL			$14,731,200

Section 5. Appropriation of General Funds.

(a) It is the intent of the General Assembly that Twenty Million Dollars ($20,000,000) be appropriated from the General Fund to the following departments, agencies and instrumentalities of the State and in the following amounts for the purposes set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof. This is a supplemental appropriation of and in addition to the monies appropriated by the Fiscal Year 1992 Budget Act and shall be paid by the State Treasurer from General Fund monies not otherwise appropriated. Any funds remaining unexpended or unencumbered by June 30, 1994, shall revert to the General Fund of the State of Delaware with the exception of the funds paid to the Department of Transportation (Transportation Trust Fund).

Department, Agency, or Instrumentality	Amount
Delaware Development Office	$ 3,134,800
Department of State	685,000
Department of Administrative Services	60,000
Department of Natural Resources and Environmental Control	16,000
Department of Public Safety	683,600
Department of Transportation (Transportation Trust Fund)	15,000,000
State Fire Prevention Commission	32,500
Delaware National Guard	210,000
Delaware Technical and Community College	178,100
TOTAL	$20,000,000

(b) The appropriation made to the Department of Transportation in Subsection (a) of this Section shall be paid by the State Treasurer from the General Fund to the Transportation Trust Fund.

Section 6. Transfers from the State Treasurer's Bond Reversion Account. Notwithstanding the provisions of other State law, the State Treasurer shall transfer, as funds become available, the sum of One Million Twenty Thousand Eight Hundred Dollars ($1,020,800) from the State Treasurer's Bond Reversion Account (12-05-003-8101) to the following departments in the following amounts for the purposes set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule, Reversion & Reprogramming Column" attached hereto and made a part hereof

Department, Agency, or Instrumentality	Amount
Budget Office	$ 636,000
Dept. of Services for Children, Youth & Their Families	127,000
Dept. of Public Safety	30,300
State Fire Prevention Commission	182,500
University of Delaware	45,000
TOTAL	$1,020,800

Section 7. Transfers from the School Bond Reversion Account. Notwithstanding the provisions of any other State law, the State Treasurer shall transfer, as funds become available, the sum of One Hundred Sixty Six Thousand Five Hundred Dollars ($166,500) on deposit in the School Bond Reversion Account (12-05-003-8102) for the following purposes in the following amounts as set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule, Reversion & Reprogramming Column" attached hereto and made a part hereof.

Department, Agency, or Instrumentality				Amount
State Board of Education				$166,500
Purpose	Maximum State Share	Local Share	Maximum Total Cost	
Appoquinimink-Dist. Repairs/ Replac.	$166,500	$111,000	$277,500	
Subtotal	$166,500	$111,000	$277,500	
TOTAL				$166,500

Section 8. Capital Investment Fund. There is hereby appropriated the sum of Two Hundred Ninety Thousand Dollars ($290,000) from the Capital Investment Fund, held by the State Treasurer (12-05-03-8700), to the following department in the following amount for the purpose set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule, Reversion & Reprogramming Column" attached hereto and made a part hereof. Any funds remaining unexpended or unencumbered by June 30, 1994, shall revert to the Capital Investment Fund.

Department, Agency, or Instrumentality	Amount
Delaware National Guard	$290,000
TOTAL	$290,000

Section 9. Health Facilities Subsidy Fund. Notwithstanding the provisions of Chapter 90, Title 16, Delaware Code, there is hereby appropriated the sum of Four Million Dollars ($4,000,000) from the Health Facilities Subsidy Fund, held by the State Treasurer (12-05-03-9400), to the following department in the following amount for the purposes set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule, Reversion & Reprogramming Column" attached hereto and made a part hereof. Any funds remaining unexpended or unencumbered by June 30, 1994, shall revert to the Health Facilities Subsidy Fund.

Department, Agency, or Instrumentality	Amount
Department of Health & Social Services	$4,000,000
TOTAL	$4,000,000

Section 10. Allocation of Stripper Well Funds. The State hereby authorizes the Department of Administrative Services to allocate Seven Hundred Fifty Thousand Dollars ($750,000) from the proceeds of the Stripper Well Court Case Settlement for eligible projects up to the amounts set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof. All potentially eligible projects will be submitted to the State Energy Office for review. Eligible projects will be referred to the State Energy Weatherization Committee for consideration for funding from proceeds from the Stripper Well Court Case For all projects found

eligible for Stripper Well funding by the State Energy Weatherization Committee, the Department of Administrative Services shall allocate and release funds in a manner consistent with the Stripper Well Court Case Settlement.

Department, Agency, or Instrumentality	Amount
Department of Administrative Services	$137,200
Department of Health & Social Services	273,000
Department of Services for Children, Youth and Their Families	67,300
Department of Correction	263,000
Department of Natural Resources & Environmental Control	9,500
TOTAL	$750,000

Section 11. Continuing Appropriations. For the fiscal year ending June 30, 1991, any sums in the following accounts shall remain as continuing appropriations and shall not be subject to a reversion until June 30, 1992.

Fiscal Year Appropriation	Account Codes	Remarks
1988	10-03-01-0180	Harrington Industrial Development
1989	10-03-03-0188	Composites Technical Park
1989	10-03-03-0184	Dover Civic Center
1986	20-01-01-9601	Bicentennial Community
1988	20-06-04-5812	MCI
1988	20-06-04-5813	Belmont Hall Renovation
1989	30-05-10-0187	Sussex Family Court
1985	30-05-10-5513	Conway
1986	30-05-10-5613	Sussex Family Court
1984	30-05-10-5414	Kent County Family Court
1987	30-05-10-5718	Centralized Fuel Dispensing
1988	95-01-04-5812	Bike Safety
1989	95-15-00-5912	Construction/Lake Forest District

Section 12. Exxon Funds. It is the intent of the General Assembly that the monies appropriated in this Act may be used to match Exxon funds for any purpose deemed appropriate by the State Energy Weatherization Committee and so long as the purpose does not contradict the purposes set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof.

OFFICE OF THE BUDGET

Section 13. 800 Megahertz Radio Infrastructure. It is the intent of the General Assembly that One Million One Hundred Sixty Four Thousand Dollars ($1,164,000) appropriated in Section 3 of this Act and Six Hundred Thirty Six Thousand Dollars ($636,000) appropriated in Section 6 of this Act to the Budget Office be used for 800 Megahertz Radio Infrastructure. The General Assembly also hereby directs the Advisory Committee on Telecommunications, with the help of the Budget Office, to determine the best and most equitable use of future State, local and private funds for the 800 Megahertz system.

DELAWARE DEVELOPMENT OFFICE

Section 14. First State Center. It is the intent of the General Assembly that One Million Seven Hundred Fifty Thousand Dollars ($1,750,000) appropriated in Section 3 of this Act for the First State Center cannot be encumbered or expended until the City of Wilmington provides proper documentation and receives written certification by the Director of the Delaware Development Office, Secretary of Finance and the Controller General that an amount in excess of Twenty Million Dollars ($20,000,000) non-State funds has been raised and expended by the City of Wilmington for the project. State funds appropriated herein can only be expended for the hard/construction costs of the project not to exceed one-third (1/3) of such costs and cannot be expended for land and/or development right acquisition. In addition, State funds cannot be expended until the Governor appoints at least one-third (1/3) of the members of the appropriate governing body (i.e., Corporation, Board, Commission, Authority, etc.). The Governor's appointees will be the Director of the Delaware Development Office, the Secretary of Finance, and any remaining member shall be appointed at the discretion of the Governor.

Section 15. Composites High Technology Park. It is the intent of the General Assembly that One Million Five Hundred Thousand Dollars ($1,500,000) appropriated in Section 5 of this Act to the Delaware Development Office be used for a Composites High Technology Park. Funds shall be used for, but not limited to, a site plan, park design and all phases of infrastructure and building construction.

Section 16. Multi-Purpose Sports Facility.

(a) It is the intent of the General Assembly that Two Million Dollars ($2,000,000) appropriated in Section 3 of this Act to the Delaware Development Office ("Office") be used for a multi-purpose sports facility ("Facility"). Funds appropriated herein and funds appropriated in Volume 67, Chapter 285 of Delaware Laws for the Facility may be encumbered only after a professional baseball team with a major league affiliation has signed a non-exclusive lease to locate at the Facility.

(b) It is also the intent of the General Assembly that this Facility be available to local, school and community groups.

(c) Any funds remaining in 10-03-03-8091 shall continue to earn interest and may be used by the Office for planning, legal fees and other miscellaneous costs associated with the Facility. In no case shall the funds appropriated herein or in Volume 67, Chapter 285 of Delaware Laws be used for administrative expenses of the Office.

(d) Delete Section 23, Volume 67, Chapter 285 of Delaware Laws in its entirety.

Section 17. Library Appropriations. The State Treasurer's Office and the State Budget Office are hereby directed to establish appropriation lines in the Department of State and transfer the following appropriation balances from the Delaware Development Office.

Department, Agency, or Instrumentality	Authorized Vol. & Ch.	Project Appropriation Code	Amount
Delaware Development Office	66/360	10-03-03-5912	$275,192
Delaware Development Office	68/32	10-03-03-6212	300,000
Delaware Development Office	68/32	10-03-03-6213	300,000

DEPARTMENT OF STATE

Section 18. Library Fundings. It is the intent of the General Assembly that procedures contained in Volume 67, Chapter 347 of Delaware Laws, as amended, shall govern the use of funds appropriated herein for libraries.

Section 19. Hockessin Library. Section 3 of this Act and previous Acts, Laws of Delaware, Volume 67, Chapter 285; and Volume 68, Chapter 32 have appropriated funds for the construction of the Hockessin Library. None of the aforementioned appropriated funds may be expended for the Hockessin Library until New Castle County has purchased replacement land to protect the aquifer.

Section 20. Bridgeville Public Library. It is the intent of the General Assembly to allow the Bridgeville Public Library use of funds appropriated in Volume 67, Chapter 285 of Delaware Laws for minor capital improvements to the Library in accordance with Volume 67, Chapter 347 of Delaware Laws.

Section 21. Winterthur Museum Construction-Phase I. It is the intent of the General Assembly that the Five Hundred Thousand Dollars ($500,000) appropriated in Section 3 of this Act to the Department of State for Phase I construction of the Winterthur Museum cannot be encumbered or spent until such time as the total non-State funds have been raised and expended for this Project. The Secretary of State, Director of the Delaware Development Office and Controller General must be provided proper documentation to this effect prior to any State funds being expended.

Section 22. Historical Markers and Monument. It is the intent of the General Assembly that the Nineteen Thousand Dollars ($19,000) appropriated in Section 5 of this Act to the Department of State be used for historical markers, a bronze monument at the following locations, and repairs to existing markers:

City of Rehoboth, Star Hill-Camden, St. George's AME Church-Lewes, Loockerman Hall-Delaware State College, Mt. Zion Cemetery-Wilmington, Old Christina Colored School, Redding School-Middletown, Lewes Shipbuilder-Peter Lewis or

alternate. A bronze monument will be placed in the Carvel State Office Building, former site of the Ezion Church.

Section 23. Archives Record Center. It is the intent of the General Assembly that the remaining unencumbered balance appropriated for the Archives Record Center Study in Volume 67, Chapter 285 of Delaware Laws may be used for minor capital improvements to the Record Center.

DEPARTMENT OF FINANCE

Section 24. Section 7422 of Title 29, Delaware Code, as amended and substituted by Volume 68, Chapter 7, Delaware Laws, is hereby amended as follows:

(a) Delete Section 7422(a)(1) and substitute in lieu thereof the following:

"(1) 'Tax supported obligations of the State' means (A) all obligations of the State or any agency or authority thereof to which the State's full faith and credit is pledged to pay directly or by guarantee (provided that any such guaranteed obligations shall be included only to the extent any such obligations are in default) and (B) all obligations of the State or any agency or authority thereof extending beyond one year with respect to the lease, occupancy or acquisition of property which are incurred in connection with debt financing transactions (e.g., certificates of participation) and which are payable from taxes, fees, permits, licenses and fines imposed or approved by the General Assembly. Tax supported obligations do not include (A) obligations incurred to acquire a like principal amount of full faith and credit obligations issued by a local school district to the extent such local school district obligations are not in default; (B) any obligations of the Delaware Transportation Authority; (C) any tax or other revenue anticipation notes or bonds of the State; or (D) any obligations to the extent that the debt service with respect thereto is reasonably expected to be offset (as determined by the Secretary of Finance) by lease payments, user fees, federal grants or other payments from some source other than the General Fund. Such payments shall be used expressly for the purpose of paying such debt service."

(b) Delete Section 7422(a)(2) and substitute in lieu thereof the following:

"(2) 'Transportation Trust Fund debt obligations' means all debt obligations of the Delaware Transportation Authority, including all obligations extending beyond one year with respect to the lease, occupancy or acquisition of property which are incurred in connection with debt financing transactions (e.g., certificates of participation), and which in any case are payable from the Transportation Trust Fund. Transportation Trust Fund debt obligations do not include any obligations to the extent that the debt service with respect thereto is reasonably expected to be offset (as determined by the Secretary of Finance) by lease payments, user fees, federal grants or other payments from some non-State source."

(c) Amend Section 7422(b) to add the following at the end thereof:

"Any amount of tax supported obligations which were duly authorized before July 1, 1991, and which are duly deauthorized after June 30, 1991, may subsequently be reauthorized without regard to the authorization limit otherwise provided by this subsection. Obligations authorized to refund other obligations of the State shall not be subject to the limits of this subsection (b)."

(d) Delete Section 7422(c) and substitute in lieu thereof the following:

"(c) No tax supported obligation of the State and no Transportation Trust Fund debt obligation of the Delaware Transportation Authority may be incurred if the aggregate maximum annual payments on all such outstanding obligations (plus certain Lease Obligations described below) will exceed 15% of the estimated aggregate General Fund revenue from all sources (not including unencumbered funds remaining at the end of the previous fiscal year), plus estimated

Transportation Trust Fund revenue, in both cases for the fiscal year following the fiscal year in which such obligation is incurred, such estimated revenue as determined by the most recent projections made by the Delaware Economic and Financial Advisory Council and adjusted, if appropriate, by the fiscal impact of subsequently enacted legislation as certified by the Secretary of Finance. The Lease Obligations referred to in the preceding sentence shall mean (i) all obligations of the State or any agency or authority thereof which are payable from taxes, fees, permits, licenses and fines imposed or approved by the General Assembly and (ii) all obligations of the Delaware Transportation Authority which are payable from the Transportation Trust Fund, which in either case extend beyond one year and are with respect to the lease, occupancy, or use of property provided that such Lease Obligations shall not include any obligations, the lease payments with respect to which are reasonably expected to be offset (as determined by the Secretary of Finance) by lease payments, user fees, federal grants or other payments from some non-State source. For the purposes of this subsection, the maximum annual payments on the above-described Lease Obligations shall be as of the most recent date available as certified by the Secretary of Finance."

(e) Delete Section 7422(d) and substitute in lieu thereof the following:

"No obligation to which the State's full faith and credit is pledged may be incurred if the maximum annual debt service payable in any fiscal year on all such outstanding obligations will exceed the State's cumulative cash balances for the fiscal year following the fiscal year in which such obligation is incurred as estimated by the Secretary of Finance. For the purposes of this subsection, there shall not be included (i) obligations incurred to acquire a like principal amount of full faith and credit obligations issued by a local school district to the extent such local school district obligations are not in default, (ii) obligations guaranteed by the State except to the extent such obligations are in default, (iii) general obligation bonds of the State issued prior to January 1, 1987 for the transportation related projects as certified by the Secretary of Finance, (iv) tax or other revenue anticipation notes of the State; or (v) any obligations to the extent that the debt service with respect thereto is reasonably expected to be offset (as determined by the Secretary of Finance) by lease payments, user fees, federal grants or other payments from some source other than the General Fund."

(f) Delete the form of Debt Limit Statement set forth in Section 7422(e), and substitute in lieu thereof the following:

Office of Secretary of Finance

Debt Limit Statement Dated _____

This Debt Limit Statement to be attached to _____ as required by Section 7422, Title 29, Delaware Code

(1)	Estimated Net General Fund revenue for the fiscal year ending June 30, ____ as per the joint resolution of the House and Senate and signed by the Governor in connection with the adoption of the annual Budget Appropriation Bill for that fiscal year	$_____
(2)	Multiply by 5%	X_____.05
(3)	Maximum aggregate principal amount of new tax-supported obligations which may be authorized by the State in the fiscal year ending June 30, ____	$_____
(4)	Less aggregate principal amount of previously authorized tax-supported obligations subject to debt limit	$_____
(5)	AVAILABLE DEBT LIMIT prior to appended	

legislation (3-4) $_____

(6) Less aggregate principal amount of new tax-supported obligations subject to debt limit to be authorized pursuant to appended legislation $_____

(7) REMAINING DEBT LIMIT (5-6) $_____

_____
Secretary of Finance

_____
Date

The Secretary of Finance shall file said Debt Limit Statement within ten (10) days of said joint resolution with the Office of the Controller General and the Delaware Development Office.

(g) Delete Section 7422(f) and substitute in lieu thereof the following:

"(f) The Certification of the Secretary of Finance referred to in this Section shall be in substantially the following form:

Certification of Secretary of Finance Regarding

Certain Revenue Supported Debt

___ B. No. ____ would authorize the issuance of $_____ principal amount of obligations of the State for the purposes of _____. [Describe the arrangement pursuant to which it is expected that the debt service will be offset by lease or other payments].

Accordingly, I hereby certify that I reasonably expect that the debt service on $_____ principal amount of the above-described bonds will be offset by payments to the State which are described in Title 29, Delaware Code, Section 7422(a)(1)(D), (a)(2) or (d)(v).

_____ _____
Date Secretary of Finance

Section 25. Section 7423 of Title 29, Delaware Code, as amended and substituted by Volume 68, Chapter 7, Delaware Laws is hereby amended and restated as follows:

"§7423. DEFAC Projections and Monitoring of Debt Limits.
The Delaware Economic and Financial Advisory Council shall publish at least semi-annually in December and June the projections described in Section 7422(b) of this Title. The Council shall also monitor the application and effect of the debt limits imposed by Section 7422 and shall report annually to the General Assembly and the Governor with respect thereto. Such reports shall include any recommendations with respect to such debt limits and the then current Debt Affordability Study prepared by the Department of Finance."

Section 26. It is the Intent of the General Assembly that the interest on the general obligation bonds which are authorized herein (or which have been authorized in any prior authorization act) to fund certain projects shall be excluded from gross income for the purposes of Section 103 of the Internal Revenue Code of 1986. Prior to the issuance of the bonds for any such project, pursuant to Section 7414 of Title 29 of the Delaware Code, or as may otherwise be authorized by law, non-bond funds in the General Fund which are not available on a long term basis to pay the costs of the projects may be expended for the project, with such non-bond funds to be reimbursed from the proceeds of the bonds when issued. Pursuant to Chapter 74 of Title 29 of the Delaware Code, the debt service on the general obligation bonds will be paid from the General Fund. In any case where non-bond funds are applied to pay any costs of a project which are expected to be reimbursed from bond proceeds, the Secretary of Finance is authorized by written action, to declare the intent of the State to reimburse said costs from the proceeds of the bonds when issued.

Section 27. It is the intent of the General Assembly that the interest on the realty transfer tax revenue bonds authorized by Volume 68, Chapter 14 of Delaware Laws

to fund certain Land and Water Conservation Trust Fund projects shall be excluded from gross income for the purposes of Section 103 of the Internal Revenue Code of 1986. Prior to the issuance of the bonds for any such project, non-bond funds in the Land and Water Conservation Trust Fund or otherwise available to the Department of Natural Resources and Environmental Control on a temporary basis may be expended for the project, with such non-bond funds to be reimbursed from the proceeds of the bonds when issued. Pursuant to Chapter 54, Title 30, Delaware Code, the debt service on the bonds will be paid from the Land and Water Conservation Trust Fund as provided therein. In any case, where non-bond funds are applied to pay any costs of a project which are expected to be reimbursed from bond proceeds, the Secretary of Finance is authorized by written action, to declare the intent of the State to reimburse said costs from the proceeds of the bonds when issued.

DEPARTMENT OF ADMINISTRATIVE SERVICES

Section 28. Legislative Hall. It is the intent of the General Assembly that Eight Hundred Thousand Dollars ($800,000) appropriated in Section 3 of this Act to the Department of Administrative Services be used to continue building exterior/interior construction; for construction management and architectural fees; the storm water runoff system; and provide a contingency to cover unknown site conditions and/or critical change orders.

Section 29. Underground Storage Tanks. The Secretary of the Department of Administrative Services ("Secretary") shall be responsible for developing a prioritized plan for State compliance with Federal and State laws and regulations concerning underground storage tanks owned by the State and its agencies.

The Secretary shall develop procedures and specifications for the installation, removal, replacement and testing of all State-owned underground storage tanks. All contracts awarded for such work and for all remedial work shall be approved by the Secretary.

Based upon the enactment of Volume 67, Chapter 326 of Delaware Laws, the Secretary of the Department of Administrative Services and the Secretary of the Department of Natural Resources and Environmental Control shall, with the approval of the Budget Director, develop a long-term plan and schedule as funds are needed for the transfer of funds on a project by project basis from the Hazardous Substance Clean-up Fund to the Secretary of the Department of Administrative Services to finance the remedial cost or the cost of providing a remedy for releases or imminent threats of releases from underground storage tanks owned by the State or its agencies.

The Secretary of Natural Resources and Environmental Control, with the approvals of the Budget Director and the Controller General, and subject to the total limitations on administrative funds in Volume 67, Chapter 326 of Delaware Laws, shall also transfer to the Secretary of the Department of Administrative Services funds which may be necessary for the administration of his responsibility for developing a plan of action for State compliance with underground storage tank laws and regulations.

DEPARTMENT OF HEALTH & SOCIAL SERVICES

Section 30. Furniture and Equipment. It is the intent of the General Assembly that funds appropriated in Section 9 of this Act for furniture and equipment may be used by the Department of Health and Social Services for minor capital improvements to its facilities with the approvals of the Director of the Delaware Development Office and the Controller General.

Section 31. Georgetown State Service Center Expansion/Renovation. It is the intent of the General Assembly that funds authorized in Section 3 of this Act be used to begin the expansion to the Georgetown State Service Center. The Department of Administrative Services is herein directed to provide technical assistance to this project and shall review and approve all contracts associated with same.

DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH & THEIR FAMILIES

Section 32. NCC Secure Detention Center. It is the intent of the General Assembly that funds appropriated in Section 3 of this Act for the Secure Detention Center be transferred to the Department of Administrative Services for continued project oversight. The funds appropriated herein shall not be encumbered or disbursed without the approvals of the Secretary of the Department of Services for Children, Youth and Their Families and the Secretary of the Department of Administrative Services.

Section 33. Ferris Renovations - Phase II. It is the intent of the General Assembly that the funds authorized in Section 4 and Section 10 of this Act be used for, but not limited to, Stripper Well eligible projects and Code/Life-Safety repairs as identified in the 1990 Architectural/Engineering Survey Evaluation and Cost Estimate Report. The Department of Administrative Services is herein directed to provide technical oversight of this Project and shall review and approve all contracts associated with same.

DEPARTMENT OF CORRECTION

Section 34. Minor Capital Improvements and Equipment. It is the intent of the General Assembly that of the Four Hundred Twenty Thousand Dollars ($420,000) appropriated in Section 4 of this Act to the Department of Correction ("Department"), an amount not in excess of One Hundred Thousand Dollars ($100,000) shall be used for a professional contract to provide a statewide engineering survey of Department facilities to identify and prioritize current maintenance deficiencies. The Department of Administrative Services shall provide technical assistance and must approve the professional contract. The results of said engineering survey shall be a basis for future minor capital improvement requests by the Department of Correction with the approval of the Department of Administrative Services.

Section 35. Delaware Correctional Center Projects. It is the intent of the General Assembly that funds authorized in Section 4 of this Act be used for, but not limited to, the construction of a new maintenance facility on the grounds of the Delaware Correctional Center outside of the fence; the replacement of security windows and screens; to correct plumbing deficiencies; and to renovate existing buildings to accommodate American Correctional Association Standards for an increase of toilets, sinks and showers. The Department of Administrative Services is herein directed to provide technical oversight of this project and shall review and approve all contracts associated with same.

Section 36. Prior Year Authorizations. It is the intent of the General Assembly to allow the Commissioner of the Department of Correction, with approvals by the Director, Delaware Development Office; Secretary, Department of Administrative Services; and the Controller General, use of unencumbered balances in the following accounts to ensure corrective maintenance issues are addressed in any facility deemed critical by the aforementioned, pending results of the professional engineering survey as identified in Section 34 of this Act.

Authorized Vol. & Ch.	Project Appropriation Code
67/285	38-04-03-6114
67/285	38-04-03-6115

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENTAL CONTROL

Section 37. Water & Wastewater Facilities. It is the intent of the General Assembly that of the Seven Million Seven Hundred Thousand Dollars ($7,700,000) appropriated in Section 3 of this Act to the Department of Natural Resources and Environmental Control Four Million Six Hundred Thousand Dollars ($4,600,000) be used for the State match to the federal Wastewater Facilities Construction Grants Program. It is also the intent of the General Assembly that the remaining Three Million One Hundred Thousand Dollars ($3,100,000) be used for the Wastewater Facilities State Revolving Program provided that no portion of such appropriations shall be loaned by the Department of Natural Resources and Environmental Control to eligible recipients until such time as legislation is enacted that creates the planning, financing and regulatory processes deemed necessary by the General Assembly to ensure and protect an adequate water and wastewater infrastructure for the State both in the present and in the future. Notwithstanding the language contained herein, should an emergency situation arise, the Secretary of the Department of Natural Resources and Environmental Control, with the approval of the Director of the Delaware Development Office and the Controller General may enter into an agreement before July 1, 1992 with the federal government to expend the monies appropriated herein for the Wastewater Facilities State Revolving Program.

Section 38. Beach Preservation. The General Assembly hereby appropriates Nine Hundred Thousand Dollars ($900,000) to the Department of Natural Resources and Environmental Control ("Department") in Section 4 of this Act to renourish and preserve the State's beaches. The Department may not encumber the funds appropriated herein for privately-owned ocean beaches. The Department may not encumber the funds appropriated herein for publicly accessible municipal ocean beaches until at least an equal amount of non-State funds, except for the lodging tax as defined in Chapter 61, Title 30 of the

Delaware Code, are available for such projects. The availability of the aforementioned non-State matching funds must be approved by the Director of the Delaware Development Office and the Secretary of the Department.

Section 39. Advanced Planning and Real Property Acquisition Fund. It is the intent of the General Assembly that the balance due the Advanced Planning and Real Property Acquisition Fund for the Dorzback Property Acquisition by the Department of Natural Resources and Environmental Control be Zero Dollars ($0).

Section 40. Conservation Cost Sharing Program. It is the intent of the General Assembly that Four Hundred Twenty Thousand Dollars ($420,000) appropriated to the Department of Natural Resources & Environmental Control ("Department") in Section 4 of this Act be used for the Department's Soil and Water Conservation Program. Of the Four Hundred Twenty Thousand Dollars ($420,000) appropriated herein, the Department shall spend one-third [One Hundred Forty Thousand Dollars ($140,000)] for use in each County.

Section 41. Resource, Conservation and Development Projects. It is the intent of the General Assembly that One Hundred Thirty Five Thousand Dollars ($135,000) appropriated in Section 4 of this Act to the Department of Natural Resources and Environmental Control ("Department") be used for the following projects in the following amounts:

Project	Cost
Milton - Governor's Walk Project	$100,000
Calf Run Improvements	35,000
TOTAL	$135,000

Section 42. Delaware National Estuarine Research Reserve (DNERRS) Field Laboratory and Education Center. It is the intent of the General Assembly that funds authorized in Section 4 of this Act be used to plan and design the DNERRS Field Laboratory and Education Center to be constructed in Kent County. The Department of Administrative Services is herein directed to provide technical oversight of this project and shall review and approve all contracts associated with same.

Section 43. Killen's Pond Park Development. It is the intent of the General Assembly that of the One Hundred Twenty Five Thousand ($125,000) appropriated in Section 4 of this Act, no more than $100,000 shall be spent for construction of cabins.

DEPARTMENT OF PUBLIC SAFETY

Section 44. Minor Capital Improvements and Equipment. It is the intent of the General Assembly that One Hundred Fourteen Thousand Seven Hundred Dollars ($114,700) appropriated in Section 4 of this Act and Thirty Thousand Three Hundred Dollars ($30,300) appropriated in Section 6 of this Act to the Department of Public Safety be used for departmentwide minor capital improvements and equipment. Of the funds appropriated herein, an amount not in excess of $50,000 may be used to furnish and equip the new Public Safety Administration facility.

DEPARTMENT OF TRANSPORTATION

Section 45. Transportation Trust Fund Authorizations.

(a) There is hereby appropriated One Hundred Eighty Seven Million Nine Hundred Sixty Thousand Dollars ($187,960,000) from the Transportation Trust Fund for transportation programs as set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof.

(b) To fund a portion of the amount set forth in (a) above, the Delaware Transportation Authority is hereby authorized to issue bonds in an amount not exceeding One Hundred Twenty Three Million Two Hundred Thousand Dollars ($123,200,000) pursuant to the provisions of Chapter 14, Title 2, Delaware Code, as amended, of which One Hundred Sixteen Million Five Hundred Thousand Dollars ($116,500,000) shall be used for purposes set forth in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof, with the remaining Six Million Seven Hundred Thousand Dollars ($6,700,000) to be used to fund issuance costs and necessary reserves from the Reserve Account.

Section 46. Department of Transportation Reprogramming. Pursuant to previous years' authorizations by the General Assembly, certain transportation projects have been completed at less than anticipated costs or are unable to be completed and, therefore, the State hereby authorizes the sum of One Million One Hundred Fifty Thousand Dollars

($1,150,000) previously appropriated to the following accounts and in the following amounts, to be used to carry out new projects as set forth in the "Fiscal Year 1992 Capital Improvements Schedule" attached hereto and made a part hereof:

Project Acct. Code	Amount	Fiscal Year
55-05-00-64-00	$600,000	1990 Vol. 67, Chapter 46, Delaware Laws
55-05-00-66-00	$550,000	1990 Vol. 67, Chapter 46, Delaware Laws

Section 47. Department of Transportation Compensation. Amend Section 132(c)(6), Chapter 1, Title 17 of the Delaware Code by inserting the following between the phrase "purposes of the chapter" and the semicolon (";") appearing therein:

> "and the other responsibilities of the Department. In the event that the size of the Capital Improvement Program requires overtime to administer in a timely manner, or in the event that (a) the federal government makes available additional funding for transportation projects which are part of the Department's Capital Improvement Program, and (b) use of these funds in a particular federal fiscal year is required to access these funds, and (c) overtime is required to administer the Program within that federal fiscal year to assure the use of these funds, then for these purposes the Department may pay overtime monies to those employed pursuant to this subsection, any relevant Delaware law, rule, or regulation to the contrary notwithstanding"

Section 48. Department of Transportation Accounts.

(a) Any funds appropriated from any source to the Department of Transportation ("Department") shall be accounted for by program category as specified in the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof. Amounts indicated for individual projects in the "Supplemental List of Transportation Projects" are the Department's best estimates of cost, but may vary depending on bid results and project designs. The descriptions and limits are general in nature and are to be used only for project identification purposes. It is the intent of the General Assembly that the Department of Transportation make all reasonable efforts to ensure the timely completion of projects subject to the limitation of the total funds available in each program.

(b) The Department is directed to continue inspecting the condition of bridges in the State of Delaware and to use the Bridge Program funds made available by this and previous acts to ensure the bridge repairs and replacements are carried out in an expeditious manner.

(c) It is the intent of the General Assembly that the Joint Legislative Capital Budget Committee for Capital Improvement Projects shall be delegated with the legislative responsibility of approving modifications to the list of projects in the "Paving and Rehabilitation" portion of the "Supplemental List of Transportation Projects", when the Department of Transportation seeks to make such modifications. These changes may be made, subject to the Committee's approval, when the Department (a) has completed or determined that it has sufficient funds on hand to complete projects in that program category, or (b) when projects so listed cannot be constructed in the construction season covered by this Act because of conflicting public works projects in progress or scheduled, or for other compelling reasons, and (c) funds appropriated to the Paving and Rehabilitation program category are thus available for use on additional or other projects fitting within that category. In modifying the list, the Department must substitute the next suitable project(s) from the most recent approved Department of Transportation Capital Improvement Program or from the most recent project priority "Paving and Rehabilitation" listing.

(d) The Budget Office and the Department of Transportation ("Department") are hereby authorized and directed to account for the Department's Capital Improvement Program under account coding 55-05-00. Accordingly, any remaining authorization orunexpended balances under account code 55-06-00-67-00-86 shall be transferred to a new account code to be established by the Budget Office, 55-05-00-73-00-86, entitled Public Transit Improvements.

(e) Any funds appropriated from the "Suburban Street Program" (56/00) of the "Supplemental List of Transportation Projects" attached hereto may be designated for Greenways with a transportation component as long as those Greenways will be dedicated to public use. Legislators may designate monies to be appropriated into a general pooled account to be used statewide, or may reserve monies for Greenways projects to be designated at a later time, or may designate specific sums of monies to specific Greenways projects. For the purposes of this Subsection, a project shall be deemed to

have a "transportation component" whenever it involves walkways, pathways, bikeways, trails or other routes for the movement of people or goods. Project estimates shall be prepared by the Department of Natural Resources and Environmental Control (DNREC) and processed through the Department of Transportation's (DOT) Suburban Street Program procedure for inclusion in the Bond and Capital Improvement Act by the General Assembly. Funds appropriated through this Act will be funded from the Transportation Trust Fund and transferred to DNREC by DOT. DNREC will be responsible for the design, rights of way purchasing, construction and maintenance of such Greenways and establishing a process similar to DOT's process for administering the "Suburban Street Program".

(f) Amend Section 1404, Chapter 14, Title 2, Delaware Code by adding a new sentence to the end of the Section, to read as follows:

"Notwithstanding other provisions of the Delaware Code, transfers from the Transportation Trust Fund to other public agencies for projects approved in the annual Capital Improvements Act shall not require the approval of the Budget Commission or be subject to Chapter 69 of Title 29."

(g) The Department is directed to spend an amount not in excess of Fifty Thousand Dollars ($50,000) on road and street signs throughout the State from the Safety and Intersection Improvements Account (63/00).

Section 49. Procurement of Materiel and Award of Contracts for Public Works.

(a) Amend Section 6904(b), Chapter 69, Title 29, Delaware Code, by striking the figure "$20,000" appearing therein and inserting in lieu thereof the following:

"the value set pursuant to Section 6903(e) of this Chapter"

(b) Amend Section 6904(c), Chapter 69, Title 29, Delaware Code, by deleting it in its entirety and inserting in lieu thereof the following:

"(c) (1) If the agency does not require that bidders be pre-qualified by the agency in order to receive bidding documents for the proposed contract, the agency shall then advertise for formal sealed bids for furnishing the materiel or performing the work pursuant to this subsection. The advertisement for such bids shall be published at least once a week for two consecutive weeks in a newspaper published or circulated in each County of the State. The advertisement shall state the name of the procuring agency, indicate with reasonable accuracy the character, quantity, and location of the work or the character and quantity of materiel, the time and place for the opening of bids and where the plans and specifications or descriptions may be obtained. The advertisement shall also state that the agency may extend the time and place for the opening of bids from that described in the advertisement, on not less than five calendar days' notice, by certified mail to those bidders who obtained copies of the plans and specifications or descriptions.

(2) If the agency requires all bidders to be pre-qualified in order to receive bidding documents for the proposed contract, the agency shall then advertise for formal sealed bids for furnishing the materiel or performing the work pursuant to this subsection. The advertisement for such bids shall be published at least once a week for two consecutive weeks in a newspaper published or circulated in each County of the State. The advertisement shall state the name of the procuring agency, indicate in general terms the character and location of the work or the character of materiel, the time and place for the opening of bids and where the plans and specifications or descriptions may be obtained. The advertisement shall also state that the agency may extend the time and place for the opening of bids from that described in the advertisement, on not less than five calendar days' notice, by certified mail to those bidders who obtained copies of the plans and specifications or descriptions."

(c) Amend Section 6904(d), Chapter 69, Title 29, Delaware Code by striking the phrase "and advertised" appearing therein.

(d) Amend Section 6904(e), Chapter 69, Title 29, Delaware Code by striking the phrase "solicitation or advertisement for bids" appearing in the first sentence of said Subsection, and inserting in lieu thereof the following:

"plans and specifications or descriptions of materiel"

(e) Amend Section 6904(e), Chapter 69, Title 29, Delaware Code, by striking the phrase "invitation or proposal" appearing in the second sentence of said Subsection, and inserting in lieu thereof the following:

"plans and specifications or descriptions of materiel"

(f) Amend Section 6903(k), Chapter 69, Title 29, Delaware Code, by deleting the words "The operations funded by the Transportation Trust Fund or by" and substituting in lieu thereof the following:

"The operations and programs funded in whole or in part by the Delaware Transportation Authority, the Transportation Trust Fund or the operations funded by".

(g) Amend Section 6909(h), Chapter 69, Title 29, Delaware Code, by inserting the phrase "or equipment" between the phrase "purchase of material," and the phrase "the State or contracting county may," as they appear in the third sentence therein, and further amending said subsection by deleting the fourth sentence of Subsection (h) in its entirety.

(h) Amend Section 6903(e), Chapter 69, Title 29, Delaware Code, by deleting the word "contracts" appearing therein and inserting in lieu thereof the following:

"or other contracts issued under this subchapter"

Section 50. Department of Transportation Administration Building. It is the intent of the General Assembly that One Million Five Hundred and Fifty Thousand Dollars ($1,550,000) appropriated in this Act to the Department of Transportation ("Department") and listed in the Engineering and Contingencies Account (57/00) as part of the "Fiscal Year 1992 Capital Improvements Project Schedule" attached hereto and made a part hereof be expended by the Department for the purpose of making heating, ventilation, air conditioning, electrical, structural and such other improvements (including the rehabilitation of offices to maximize the utilization of space when Public Safety relocates to their new building) as may be necessary to the Department of Transportation Administration Building.

Section 51. Decal Fees. (a) Amend Section 5208, Chapter 52, Title 30, Delaware Code by deleting the word "October" appearing in the last sentence of said Section and inserting in lieu thereof the word "January".

(b) Amend Section 5211(a), Chapter 52, Title 30, Delaware Code by deleting the figure "$10" appearing in the fourth sentence therein and inserting in lieu thereof the following; "$5"

(c) Further amend Section 5211(a), Chapter 52, Title 30, Delaware Code by deleting the word "October" wherever it appears therein and inserting in lieu thereof the word "January".

(d) Further amend Section 5211(a), Chapter 52, Title 30, Delaware Code by deleting the phrase "September 30" appearing therein and inserting in lieu thereof the phrase "December 31".

(e) Registration cards and identification markers issued pursuant to Section 5211(a), Chapter 52, Title 30, Delaware Code, for the 12-month period effective October 1, 1991 through September 30, 1992 shall also be deemed effective for the period from October 1, 1992 through December 31, 1992 if not otherwise invalid for reasons unrelated to the normal period of registration.

(f) Subsection (e) of this Section shall become effective as of October 1, 1991. Subsection (a) (b) (c) and (d) of this Section shall become effective as of January 1, 1993.

Section 52. International Registration Plan.

(a) Amend Chapter 4, Title 21, Delaware Code, by denominating existing Sections 401 through 410 inclusive as "Subchapter I.", and further amending said Chapter by creating a new "Subchapter II.", to be entitled "International Registration Plan", to read as follows:

"Section 420. General Authority.

(a) If any jurisdiction permits or requires the licensing of fleets of vehicles in interstate or combined interstate and intrastate commerce and the payment of registration, license, or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on highways in that jurisdiction, as compared with the miles traveled on highways in other jurisdictions, or on any other equitable basis of apportionment, and if that jurisdiction exempts vehicles registered in other jurisdictions under that apportionment basis from the requirements of full payment of its own registration, license, or other fixed fees, the Secretaries of the Departments of Public Safety and Transportation by agreement may adopt the exemption as to vehicles of those fleets, whether owned by residents or non-residents of this State and regardless of where the vehicles are based.

(b) Under the terms, conditions, or restrictions that the Secretaries of the Departments of Public Safety and Transportation consider proper, these agreements may provide:

(1) That owners of vehicles operated in interstate or combined interstate and intrastate commerce in this State may pay registration, license, or other fixed fees on an apportionment basis commensurate with and determined by the miles traveled on highways in this State, as compared with the miles traveled on highways in other jurisdictions or on any other equitable basis of apportionment; or

(2) (i) For issuance of trip permit registration; and

(ii) For collection of a fee for any vehicle or combination of vehicles which may be lawfully operated in the jurisdiction if full registration or proportional registration were obtained.

(c) The registration of fleet vehicles under this Section is subject to the rights, terms, and conditions granted by or contained in any applicable agreement, arrangement, or declaration made by the Secretaries of the Departments of Public Safety and Transportation.

(d) If the Departments enter into any agreement under the authority of this Section, and the provisions set forth in the agreement are in conflict with any other rules or regulations by the Departments, the agreement's provisions shall prevail notwithstanding.

Section 421. Base State Registration.

An agreement, arrangement, or declaration made under this Subchapter may authorize the registration or licensing in another jurisdiction of vehicles that are located in or operated from a base in that jurisdiction and that otherwise would be required to be registered or licensed in this State. In this event, the benefits, privileges, and exemptions extended by the agreement, arrangement, or declaration shall apply to those vehicles, if licensed or registered in the base jurisdiction."

Section 53. Cooperative Motor Carrier Agreements Between States. Amend Chapter 52, Title 30, Delaware Code by adding a new Section 5229, to read as follows:

"§5229. Cooperative Agreements Between States.

(1) The Secretary of the Department of Public Safety and the Secretary of the Department of Transportation may enter into cooperative agreements with other states, for exchange of information and auditing of users of motor fuels used in fleets of motor vehicles operated or intended to operate interstate. An agreement, arrangement, declaration or amendment thereto is not effective until executed by and filed with the Departments of Public Safety and Transportation ("Departments").

(2) An agreement may provide for determining the base state for users, users records requirements, audit procedures, exchange of information, persons eligible for tax licensing, defining qualified motor vehicles, determining if bonding is required, specifying reporting requirements and periods including defining uniform penalty and interest rates for late reporting, determining methods for collecting and forwarding of motor carrier fuel use taxes and penalties to another jurisdiction, and other provisions as will facilitate the administration of the agreement.

(3) The Department of Public Safety may, as required by the terms of an agreement, forward to officers of another state any information in the Department's possession relative to the manufacture, receipts, sale, use, transportation, or shipment of motor fuels by any person. The Department of Public Safety may disclose to officers of another state, the location of officers, motor vehicles, and other real and personal property of users of motor fuels.

(4) An agreement may provide for each state to audit the records of persons based in the state, to determine if the motor carrier fuel use taxes due each state are properly reported and paid. Each state shall forward the findings of the audits performed on persons based in the state, to each state in which the person has taxable use of motor fuels. For persons not based in this state and who have taxable use of motor fuel in this state, the Department of Public Safety may serve the auditing findings received from another state, in the form of an assessment, on the person as though an audit was conducted by the Department of Public Safety.

(5) Any agreement entered into pursuant to this Section shall not preclude the Departments from auditing the records of any person covered by the provisions of this Chapter.

(6) The legal remedies for any person served with an order or assessment under this Section shall be as prescribed in this Chapter.

(7) If the Departments enter into any agreement under the authority of this Section, and the provisions set forth in the agreement are in conflict with any other rules or regulations by the Departments, the agreement's provisions shall prevail notwithstanding."

Section 54. Deposits and Disbursements of Monies Received by the Department of Public Safety. Amend Section 307, Chapter 3, Title 21 of the Delaware Code, by striking the first two sentences in their entirety and substituting the following:

"All monies received by the Department of Public Safety under this Title and Title 30 shall be deposited daily to the credit of the Transportation Trust Fund. The Department of Transportation shall transfer or disburse from the Transportation Trust Fund to the State's General Fund those monies directed to be received by the Department of Public Safety pursuant to Sections 309, 706, 2151(7), and 2611(g)(5) of this Title, on a monthly basis."

Section 55. Claims and Refunds from the Transportation Trust Fund.

(a) Amend Section 3002, Chapter 30, Title 30 of the Delaware Code adding a new Section 3002(d) providing:

"(d) No action or claim that is otherwise permitted against the State or an agency or authority of the State to recover any fee, or portion of any fee, erroneously or illegally collected by or paid to the State or agency or authority hereunder, may be commenced or otherwise asserted after expiration of one year from the earlier of (1) the date of the payment, or (2) the date the payment was required to be made."

(b) Amend Section 5120(f), Chapter 51, Title 30 of the Delaware Code by deleting the following:

"3 years from the date of payment of the monies erroneously or illegally collected and the Department shall certify the amount thereof to be State Treasurer who shall thereupon draw a warrant to the claimant forthwith."

as it appears therein, and inserting in lieu thereof the following:

"1 year from the earlier of (1) the date of the payment, or (2) the date the payment was required to be made. The Department shall certify the amount thereof to the State Treasurer who shall thereupon draw a warrant to the claimant forthwith."

(c) Amend Section 5137, Chapter 51, Title 30 of the Delaware Code by deleting the second paragraph in its entirety, and inserting in lieu thereof the following:

"No refund of any taxes, fees, penalties or interest imposed under this Chapter may be obtained except by filing a written claim with the Department before the expiration of 1 year from the earlier of (1) the date of the payment, or (2) the date the payment was required to be made. The claim must be in such form as may be prescribed by the Department, and shall specifically set forth the circumstances entitling the claimant to the refund."

(d) Amend Section 5228, Chapter 52, Title 30 of the Delaware Code by deleting the last two sentences in their entirety, and inserting in lieu thereof the following paragraph:

"No refund of any taxes, fees, penalties or interest imposed under this Chapter may be obtained except by filing a written claim with the Department before the expiration of 1 year from the earlier of (1) the date of the payment, or (2) the date the payment was required to be made. The claim must be in such form as may be prescribed by the Department, and shall specifically set forth the circumstances entitling the claimant to the refund."

(e) Amend Section 307, Chapter 3, Title 21 of the Delaware Code by renumbering the existing "Section 307" as "Section 307 (a)" and adding a new "Section 307 (b)" providing as follows:

"(b) Except as may be otherwise provided in §309 or §706 of this Title, no action or claim that is otherwise permitted against the State or an agency or authority of the State to recover any monies that are erroneously or illegally collected by or paid to the Department under this Title, may be commenced or otherwise asserted after expiration of 1 year from the earlier of (1) the date of the payment, or (2) the date the payment was required to be made."

(f) Amend Chapter 13, Title 2 of the Delaware Code by adding a new Section 1330, which provides as follows:

"§1330. Limitation of Actions to Recover Payments Erroneously or Illegally Collected By The Authority.

No action or claim that is otherwise permitted against the State or an agency or authority of the State to recover any charges, fares, fees, rentals or tolls or other payments erroneously or illegally collected by or paid to the Authority, may be commenced or otherwise asserted after expiration of 1 year from the earlier of (1) the date of the payment, or (2) the date the payment was required to be made."

Section 56. Commercial Vehicle Registration.

(a) Amend Section 2151(3), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$2 per year for each 500 pounds" appearing therein and inserting in lieu thereof the phrase "$4 per year for each 1000 pounds", by deleting the phrase "$2.60 per year for each 500 pounds" appearing therein and inserting in lieu thereof the phrase "$8.00 per year for each 1000 pounds", and by deleting the third sentence of this Subsection in its entirety, and inserting in lieu thereof the following: "In no case shall the required fee for motor vehicles or trailers under this Subsection be less than $20 per year".

(b) Amend Section 2151(5), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$2.60 per year for each 500 pounds" appearing therein and inserting in lieu thereof the following: "$5.20 per year for each 1000 pounds".

(c) Amend Section 2151(3), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$8.00 per year for each 1000 pounds" appearing therein and inserting in lieu thereof the following: "$12.00 per year for each 1000 pounds".

(d) Amend Section 2151(3), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$12.00 per year for each 1000 pounds" appearing therein and inserting in lieu thereof the following: "$16.80 per year for each 1000 pounds".

(e) Amend Section 2109, Chapter 21, Title 21 of the Delaware Code by creating a new subsection (d), to read as follows:

"(d) In calculating the prorated fees or combined annual fees payable pursuant to this Section, the fees shall be calculated using the rates in effect or scheduled to be in effect during the period of the prorated or extended registration."

(f) Amend Section 2110, Chapter 21, Title 21 of the Delaware Code by creating a new subsection (e), to read as follows:

"(e) In calculating the prorated fees or combined annual fees payable pursuant to this Section, the fees shall be calculated using the rates in effect or scheduled to be in effect during the period of the prorated or extended registration."

(g) Amend Section 2151, Chapter 21, Title 21 of the Delaware Code by creating a new Subsection (8), to read as follows:

"(8) For the registration of motor farm trucks owned and used exclusively by farmers who derive 70 percent or more of their income from the operation of their farms, the fee shall be $2 per year for each 1000 pounds or fraction thereof, and in the event the gross load weight exceeds 5,000 pounds, $2.60 per year for each 1000 pounds or fraction thereof over and above 5,000 pounds. The gross load weight shall be as calculated in subsection (3) hereof, but in no case shall the required fee for motor vehicles, except trailers, under this Subsection be less than $20 per year."

(h) Subsections (e) and (f) of this Section shall become effective August 1, 1991. Except as required by Subsections (e) and (f) of this Section, Subsections (a), (b) and (g) of this Section shall become effective October 1, 1991, Subsection (c) of this Section shall become effective July 1, 1992, and Subsection (d) of this Section shall become effective July 1, 1993.

Section 57. Temporary Registration Permits.

(a) Amend Section 2103(3), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$2.30" appearing therein and inserting in lieu thereof the phrase "$10.00".

(b) Amend Section 2103(4), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$2.30" appearing therein and inserting in lieu thereof the following: "$10.00".

(c) This Section shall become effective August 1, 1991.

Section 58. Temporary Registration Plates.

(a) Amend Section 2129(b), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$4 for each plate" appearing therein and inserting in lieu thereof the following: "$10.00 for each plate".

(b) Amend Section 2130(a), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$4 for each plate" appearing therein and inserting in lieu thereof the following: "$10.00 for each plate".

(c) Amend Section 2131 (a), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "30 days" appearing therein and inserting in lieu thereof the following: "60 days".

(d) This Section shall become effective August 1, 1991.

Section 59. Late Renewal of Registration.

(a) Amend Section 2151 (6), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "A fee of $2.30" appearing therein and inserting in lieu thereof the following: "A fee of $10.00".

(b) This Section shall become effective August 1, 1991.

Section 60. Titling Fees.

(a) Amend Section 2305, Chapter 23, Title 21 of the Delaware Code, by deleting the phrase "shall be $4" appearing therein and inserting in lieu thereof the following: "shall be $15.00".

(b) Amend Section 2309, Chapter 23, Title 21 of the Delaware Code, by deleting the phrase "the charge therefor to be $5.75" appearing therein and inserting in lieu thereof the following: "the charge therefor to be $15.00".

(c) Amend Section 2335(a), Chapter 23, Title 21 of the Delaware Code, by deleting the phrase "a fee of $2" appearing therein and inserting in lieu thereof the following: "a fee of $10".

(d) Amend Section 2336, Chapter 23, Title 21 of the Delaware Code, by deleting the phrase "shall charge a fee of $2.05" appearing therein and inserting in lieu thereof the following: "shall charge a fee of $10.00".

(e) Amend Section 2503(a), Chapter 25, Title 21 of the Delaware Code, by deleting the phrase "fee of $4" appearing therein and inserting in lieu thereof the following: "fee of $15.00".

(f) Amend Section 2504(c), Chapter 25, Title 21 of the Delaware Code, by deleting the phrase "fee of $4" appearing therein and inserting in lieu thereof the following: "fee of $10.00".

(g) Amend Section 2508, Chapter 25, Title 21 of the Delaware Code, by deleting the phrase "shall be $4" appearing therein and inserting in lieu thereof the following: "shall be $15.00".

(h) Amend Section 2510(c) and 2510(e), Chapter 25, Title 21 of the Delaware Code, by deleting the phrase "fee of $4" appearing therein and inserting in lieu thereof the following: "fee of $15.00".

(i) This Section shall become effective August 1, 1991.

Section 61. Vanity Plates.

(a) Amend Section 2121(h), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$28.75 annually" appearing therein and inserting in lieu thereof the following: "$40.00 annually".

(b) Amend Section 2121(i), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "$28.75 annually" appearing therein and inserting in lieu thereof the following: "$40.00 annually".

(c) Amend Section 2121(j), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "A $2 fee" appearing therein and inserting in lieu thereof the following: "A $10 fee".

(d) This Section shall become effective August 1, 1991.

STATE FIRE PREVENTION COMMISSION

Section 62. Sussex Fire Training Center/State Fire Marshal. The sum of One Hundred Twenty Seven Thousand Six Hundred Dollars ($127,600) appropriated in Section 3 of this Act and One Hundred Eighty Two Thousand Five Hundred Dollars ($182,500) appropriated in Section 6 of this Act to the State Fire Prevention Commission shall be transferred immediately by the Budget Office and the State Treasurer to the Department of Administrative Services for continued project oversight. The funds appropriated herein shall not be spent without the approvals of the Director, State Fire School; State Fire Marshal; and the Secretary of the Department of Administrative Services.

Section 63. Northern Fire Training Center. It is the intent of the General Assembly that Ten Thousand Dollars ($10,000) appropriated in Section 5 of this Act be used for planning and site preparation

Section 64. Hydraulic Rescue Tools. It is the intent of the General Assembly that Twenty Two Thousand Five Hundred Dollars ($22,500) appropriated in Section 5 of this Act be used to acquire hydraulic rescue tools for the Milton, Talleyville and Minquadale Fire companies.

DELAWARE NATIONAL GUARD

Section 65. Delaware National Guard Projects.

(a) It is the intent of the General Assembly that Two Hundred Ninety Thousand Dollars ($290,000) appropriated in Section 8 of this Act and Two Hundred Ten Thousand Dollars ($210,000) appropriated in Section 5 of this Act to the Delaware National Guard be used as the final payment to acquire approximately 11.4 acres of land now owned by New Castle County. The land to be acquired with monies appropriated herein is located at Basin Road and Arnold Avenue to the east of Commons Boulevard, in the Greater Wilmington Airport.

(b) Amend Section 62 of Volume 67, Chapter 285 Delaware Laws by deleting the word "purchase" in the first sentence and inserting in lieu thereof the word "acquire" and by deleting the word "purchased" in the second sentence and inserting in lieu thereof the word "acquired".

(c) Amend Section 63 of Volume 67, Chapter 285 Delaware Laws by deleting the last sentence, "These proceeds may not be used for high schools.", in its entirety.

Section 66. Minor Capital Improvements and Equipment. It is the intent of the General Assembly that a portion of funds appropriated in Section 4 of this Act or unencumbered funds appropriated for Minor Capital Improvements in Volume 67, Chapter 285 of Delaware Laws may be used to ensure that the design phase of the Dagsboro Armory Project is completed sufficient to qualify for Federal construction funds by fiscal year 1994.

DELAWARE STATE COLLEGE

Section 67. Minor Capital Improvements. It is the intent of the General Assembly that of the Seven Hundred Thirty Six Thousand Eight Hundred Dollars ($736,800) appropriated in Section 4 of this Act to Delaware State College ("College"), an amount not in excess of $200,000 shall be used to begin repairs and/or replacement of the sanitary and storm sewer system throughout the campus. Also, an amount not in excess of $100,000 shall be used for a professional contract to provide a statewide engineering survey of College facilities to identify and prioritize current maintenance deficiencies and to do long-term planning. The Department of Administrative Services shall provide technical assistance and must approve the professional contract. The results of said engineering survey shall be a basis for future minor capital improvement requests by Delaware State College with the concurrence of the Department of Administrative Services.

Section 68. Science Center Annex. It is the intent of the General Assembly that funds authorized in Section 3 of this Act be used to plan, design, construct and equip an Annex to the Science Center building on the Delaware State College Campus. The Department of Administrative Services is herein directed to provide technical oversight of this project and shall review and approve all contracts associated with same.

DELAWARE TECHNICAL AND COMMUNITY COLLEGE

Section 69. Minor Capital Improvements and Equipment-Southern Campus. It is the intent of the General Assembly that of the Two Hundred Eight Thousand Dollars ($208,000) appropriated in Section 4 of this Act, Seventy Nine Thousand Five Hundred Dollars ($79,500) shall be used as the State match to the Cycle XI Federal energy project.

STATE BOARD OF EDUCATION

Section 70. Appropriations for Minor Capital Improvements. It is the intent of the General Assembly that the sum of Four Million Four Hundred Twenty Two Thousand Two Hundred Dollars ($4,422,200) appropriated in Section 4 of this Act to the State Board of Education be used for minor capital improvements to school buildings. This amount shall be paid by the State Board of Education to local districts in the following amounts:

School District	Maximum State Share	Local Share	Maximum Total Cost

(a) Amend Section 2151 (6), Chapter 21, Title 21 of the Delaware Code, by deleting the phrase "A fee of $2.30" appearing therein and inserting in lieu thereof the following: "A fee of $10.00".

(b) This Section shall become effective August 1, 1991.

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School District	Maximum State Share	Local Share	Maximum Total Cost

Appoquinimink	$ 99,777	$ 66,518	$ 166,295
Brandywine	444,514	296,343	740,857
Special	18,582	-0-	18,582
Christina	697,634	436,415	1,134,049
Special	40,530	-0-	40,530
Colonial	377,458	251,638	629,096
Special	12,119	-0-	12,119
New Castle Vo-Tech	212,481	-0-	212,481
Red Clay	570,832	380,555	951,387
Special	28,277	-0-	28,277
Caesar Rodney	199,555	133,037	332,592
Special	9,224	-0-	9,224
Capital	256,392	170,928	427,320
Kent Vo-Tech	51,437	-0-	51,437
Lake Forest	133,871	89,248	223,119
Milford	146,879	97,919	244,798
Smyrna	121,066	80,711	201,777
Cape Henlopen	146,111	97,408	243,519
Special	7,406	-0-	7,406
Delmar	24,076	16,051	40,127
Indian River	262,047	174,698	436,745
Special	10,301	-0-	10,301
Laurel	82,124	54,750	136,874
Seaford	136,093	90,729	226,822
Sussex Vo-Tech	64,095	-0-	64,095
Woodbridge	69,319	46,213	115,532
MINOR CAPITAL IMPROVEMENTS	$4,222,200	$2,483,161	$6,705,361
STATE BOARD OF EDUCATION	$ 115,000	76,667	191,667
VOCATIONAL EQUIPMENT	$ 85,000	56,667	141,667
TOTAL	$4,422,200	$2,616,495	$7,038,695

Section 71. Appropriation for Architectural Barrier Removal. It is the intent of the General Assembly that the sum of One Hundred Sixty Thousand Dollars ($160,000) appropriated in Section 4 of this Act to the State Board of Education be used for the State's sixty percent (60%) share of architectural barrier removal projects as defined in Section 7528 of Title 29 of the Delaware Code. Each qualifying school district having approved architectural barrier removal projects shall authorize its forty percent (40%) share. No local school district may participate in the use of these funds *without* first providing its local share pursuant to the provisions of this Section and other pertinent provisions of Delaware law.

Section 72. Equalization of School Construction Funds.

(a) Amend §7503, Chapter 75, Title 29, Delaware Code, by designating the existing Section as Subsection (a) *and* by *adding* thereto a new Subsection (b) to read as follows:

"(b) The local share for each school construction project, excluding minor capital improvement projects, which is contained in a school construction bond authorization act, shall be computed as specified in this subsection. A local share ratio shall first be computed for each school district,

including vocational districts, and one for each county, for each fiscal year and shall be used in computing the local share of funding for that school district for each school construction project contained in the school construction bond act for that fiscal year. In the event that the funding of a project is spread over more than one school construction bond authorization act the local share ratio which applies to that project in the school construction bond authorization act in which it first appears shall apply to all subsequent school construction bond authorization act allocations for that project. The local share ratio shall be computed by multiplying the school district ability index for the school district, or in the case of vocational schools or special schools, the county wide ability index, as defined in Section 1707 of Title 14, Delaware Code by .40, providing, however, that the product shall not exceed .40 or be less than .20 for any school district. The local share ratio shall be rounded to the nearest one-hundredth and the result multiplied by the total cost of the school construction project in order to determine the local share.

Inclusion of a project and designation of a local share for a vocational school in a school construction bond authorization act shall be considered authorization for the vocational district to establish a tax rate sufficient to pay the principal and interest on the bonds for the local share of the project.

Inclusion of a project and designation of a local share for a special school shall be considered authorization for the school district administering the special school to obligate itself for the required bonds and for the school district to collect the revenues required to pay the principal and interest on those bonds through tuition payments authorized in Section 602, Chapter 6, Title 14, Delaware Code. The school district collecting the tuition for payment of bonds and interest shall maintain such debt service receipts in a separate account for the special school."

(b) Amend §7503, Chapter 75, Title 29, Delaware Code, by adding a new Subsection (c) to read as follows:

"(c) The provisions of Subsection (b) of this Section to the contrary notwithstanding, for the fiscal years ending June 30, 1992 through June 30, 1994, the local share ratio for reorganized school districts with ability indices less than 1.0 shall be computed as follows:

FY'92: [Ability Index X .40] + 3/4 [.40 - (Ability Index X .40)]

FY'93: [Ability Index X .40] + 1/2 [.40 - (Ability Index X .40)]

FY'94: [Ability Index X .40] + 1/4 [.40 - (Ability Index X .40)]

For purposes of this subsection the value of the ability index used in these calculations for any school district shall not be less than .50. This subsection shall not apply to vocational-technical school districts or to special schools."

(c) Amend Section 2601, Chapter 26, Title 14, Delaware Code by adding thereto a new Subsection (c) to read as follows:

"(c) the provisions of Subsection (a) of this section to the contrary notwithstanding, a vocational-technical school district which is required to provide a local share for a school construction project may establish a countywide tax sufficient to pay the principal and interest on the bonds for the local share of the project."

(d) Based upon fiscal year 1991 data, the following percentages shall be used in the fiscal year 1992 Bond Bill.

District	Ability Index	FY'92 State/Local
Appoquinimink	.6648	63/37
Brandywine	1.3830	60/40
Christina	1.0912	60/40
Colonial	.9528	60/40
New Castle Vo-Tech	1.2168	60/40
New Castle Special Sch	1.2168	60/40
Red Clay	1.5171	60/40
Caesar Rodney	.3436	65/35

Capital	.6246	64/36
Kent Co. Vo-Tech	.4627	80/20
Kent Co. Special Sch	.4627	80/20
Lake Forest	.2953	65/35
Milford	.4223	65/35
Smyrna	.4039	65/35
Cape Henlopen	1.8031	60/40
Delmar	.4628	65/35
Indian River	1.2385	60/40
Laurel	.3747	65/35
Seaford	.4581	65/35
Sussex Vo-Tech	.9140	64/36
Sussex Co. SP Sch	.9140	64/36
Woodbridge	.4064	65/35

Section 73. Brandywine School District. It is the intent of the General Assembly that Three Hundred Thousand Dollars ($300,000) State funds appropriated in Section 4 of this Act be used to make minor capital improvements to the Claymont High School to accommodate higher education and industrial training programs. No State funds can be expended until such time as Brandywine School District commits their appropriate local share of school funds to this project.

Section 74. Christina - Roof Replacement/Renovation/Additions. It is the intent of the General Assembly that a portion of the Three Million Thirty Seven Thousand Dollars ($3,037,000) appropriated in Section 3 of this Act to the State Board of Education shall be used to replace the roofs on Kirk Middle School and Christiana High School.

Section 75. Bond Verification. All bonds issued, or herein before or herein authorized to be issued, by the State are hereby determined to be within all debt and authorization limits of the State.

Section 76. Inconsistency. Insofar as the provisions of this Act are inconsistent with the provisions of any general, special, or local laws, or parts thereof, the provisions of this Act shall be controlling.

Section 77. Severability. If any section, part, phrase, or provision of this Act or the application thereof be held invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, phrase, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Act or the application thereof.

Section 78. Effective Date. This Act shall take effect in accordance with the provisions of State law.

Approved July 11, 1991.

FISCAL YEAR 1992 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	DFMS NO.	NEW GO BOND AUTHOR-IZATIONS	DEAUTHOR-IZATIONS	REVERSION & REPRO-GRAMMING	STRIPPER WELL	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
BUDGET								
800 Megahertz System	90002QDE 90002QRE	$0	$1,164,000	$636,000	$0	$0	$0	$1,800,000
Subtotal		$0	$1,164,000	$636,000	$0	$0	$0	$1,800,000
DELAWARE DEVELOPMENT OFFICE								
Composites High Technology Park	88004QGD	$0	$0	$0	$0	$0	$1,500,000	$1,500,000
Dover Civic Center	88005QGC	0	0	0	0	0	1,334,800	1,334,800
NCC-Little Mill Creek Interceptor	91008QDO	0	1,000,000	0	0	0	0	1,000,000
Multipurpose Sports Facility	90010QDC	0	2,000,000	0	0	0	0	2,000,000
Port of Wilmington	91006QDC	0	3,000,000	0	0	0	0	3,000,000
Agriculture & Aquaculture Business	89007QGD	0	0	0	0	0	300,000	300,000
First State Center-Wilmington	92001QDC	0	1,750,000	0	0	0	0	1,750,000
Subtotal		$0	$7,750,000	$0	$0	$0	$3,134,800	$10,884,800
STATE								
Minor Capital Improvements & Equip.	90014QDM	$0	$241,500 *	$0	$0	$0	$0	$241,500
Biggs-Visitors Center	91011QBC	900,000	0	0	0	0	0	900,000
DeBraak Artifacts	91012QGO	0	0	0	0	0	100,000	100,000
Veterans Cemetery Enhancement	84005QGM	0	0	0	0	0	91,000	91,000
Veterans Cemetery Vault Expansion	90015QDC	0	250,000	0	0	0	0	250,000
Friends of South Coastal Library	91040QDC	0	389,900	0	0	0	0	389,900
Milford Public Library	91042QDC	0	245,800	0	0	0	0	245,800
NCC Libraries-Hockessin Library	91039QDC	0	125,000	0	0	0	0	125,000
Dover State Library Acq.-Edgehill	92002QGL	0	0	0	0	0	475,000	475,000
Archives Record Center-Planning & Design	91017QDP	0	30,000 *	0	0	0	0	30,000
Fort Christina Park	92003QDR	0	100,000	0	0	0	0	100,000
Winterthur Museum Constr.-Phase I	92004QBC	500,000	0	0	0	0	0	500,000
Milford Museum-Roof & Cupola	92005QDR	0	48,000 *	0	0	0	0	48,000

*10-Year Bonds

FISCAL YEAR 1992 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	DFMS NO.	NEW GO BOND AUTHOR-IZATIONS	DEAUTHOR-IZATIONS	REVERSION & REPRO-GRAMMING	STRIPPER WELL	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
Abbott's Mill-Add/Renovations	92006QDR	0	55,000 *	0	0	0	0	55,000
Historic Marker/Monument Requests	92007QGO	0	0	0	0	0	19,000	19,000
Subtotal		$1,400,000	$1,485,200	$0	$0	$0	$685,000	$3,570,200
ADMINISTRATIVE SERVICES								
Asbestos Abatement	86019QDM	$0	$750,000	$0	$0	$0	$0	$750,000
Architectural Barrier Removal	91016QDM	0	210,000 *	0	0	0	0	210,000
Minor Capital Improvements	82021QDM	0	2,015,300 *	0	137,200	0	0	2,152,500
	82021QSM							
Legislative Hall Alt./Add.	90020QDR	0	800,000	0	0	0	-0	800,000
Sussex Family Court Parking-Acq.	92008QGL	0	0	0	0	0	60,000	60,000
Subtotal		$0	$3,775,300	$0	$137,200	$0	$60,000	$3,972,500
HEALTH & SOCIAL SERVICES								
Minor Capital Improvements	83029QRM	$0	$0	$2,435,600	$273,000	$0	$0	$2,708,600
	83029QSM							
Georgetown Service Center	91020QBR	1,500,000	0	0	0	0	0	1,500,000
Campus Renewal	87036QBR	2,355,600	0	644,400	0	0	0	3,000,000
	87036QRR							
Furniture & Equipment	91021QRE	0	0	500,000	0	0	0	500,000
Medical Examiner's Laboratory	89017QRC	0	0	420,000	0	0	0	420,000
Subtotal		$3,855,600	$0	$4,000,000	$273,000	$0	$0	$8,128,600
SERVICES FOR CHILDREN, YOUTH & THEIR FAMILIES								
NCC Secure Detention Facility	91022QBC	$1,400,000	$0	$0	$0	$0	$0	$1,400,000
Ferris Renovations-Phase II	91024QDM	0	239,100 *	0	67,300	0	0	306,400
	91024QSM							

*10-Year Bonds

FISCAL YEAR 1992 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	DFMS NO.	NEW GO BOND AUTHOR-IZATIONS	DEAUTHOR-IZATIONS	REVERSION & REPRO-GRAMMING	STRIPPER WELL	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
Minor Capital Improvements	86037QRM	0	0	127,000	0	0	0	127,000
Subtotal		$1,400,000	$239,100	$127,000	$67,300	$0	$0	$1,833,400
CORRECTION								
Minor Capital Improvements	80005QBM 80005QSM	$420,000 *	$0	$0	$263,000	$0	$0	$683,000
Del. Correctional Center Projects	92009QBR	500,000 *	0	0	0	0	0	500,000
Subtotal		$920,000	$0	$0	$263,000	$0	$0	$1,183,000
NATURAL RESOURCES & ENVIRONMENTAL CONTROL								
Water/Wastewater Facilities	90033QBC	$7,700,000	$0	$0	$0	$0	$0	$7,700,000
Conservation Cost Sharing Prog.	85033QBO	420,000 *	0	0	0	0	0	420,000
Bldg. & Road Rehab. (Parks & Rec.)	81031QBM	750,000 *	0	0	0	0	0	750,000
Minor Capital Improvements & Equip.	90035QBM 90035QSM	372,200 *	0	0	9,500	0	0	381,700
Beach Preservation	78032QBO	900,000 *	0	0	0	0	0	900,000
Park Dev.-Brandywine Hun./Aquatic Center	80026QBC	1,875,000	0	0	0	0	0	1,875,000
DNERRS Field Lab & Education Center	92010QBC	100,000 *	0	0	0	0	0	100,000
Tax/Public Ditches	78031QBO	300,000	0	0	0	0	0	300,000
Resource Conservation & Dev.	91037QBO	135,000 *	0	0	0	0	0	135,000
Little Mill Flood Abatement	92011QBO	500,000	0	0	0	0	0	500,000
Edgemoor Gardens Drainage-50% State Share	92012QBO	200,000	0	0	0	0	0	200,000
Moore's Lake Dredging	92013QGO	.0	0	0	0	0	16,000	16,000
Killen's Pond Park Dev. (Cabins/Golf)	92014QBC	125,000 *	0	0	0	0	0	125,000
Subtotal		$13,377,200	$0	$0	$9,500	$0	$16,000	$13,402,700

*10-Year Bonds

Printed 30-Jun-91

FISCAL YEAR 1992 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	DFMS NO.	NEW GO BOND AUTHOR-IZATIONS	DEAUTHOR-IZATIONS	REVERSION & REPRO-GRAMMING	STRIPPER WELL	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
PUBLIC SAFETY								
Automated Fingerprint ID System	87066QGE	$0	$0	$0	$0	$0	$433,600	$433,600
Helicopter Replacement	90041QGE	0	0	0	0	0	250,000	250,000
Minor Capital Improvements/Equip.	83049QBM	114,700 *	0	30,300	0	0	0	145,000
"	83049QRM							
Subtotal		$114,700	$0	$30,300	$0	$0	$683,600	$828,600
TRANSPORTATION								
Corridor/Non-Corridor Program (66/00)	78040QTT	$0	$0	$0	$0	$99,650,000	$0	$99,650,000
Bridge Replacement/Rehabilitation (65/00)	79034QTT	0	0	0	0	9,750,000	0	9,750,000
Rehabilitation and Reconstruction (64/00)	86074QTT	0	0	0	0	13,650,000	0	13,650,000
Pave & Rehab. (64/00)	78042QTT	0	0	0	0	17,400,000	0	17,400,000
Public Transit Improvements (73/00)	92015QTT	0	0	0	0	13,110,000	0	13,110,000
Safety and Intersection Impr. (63/00)	81056QTT	0	0	0	0	2,900,000	0	2,900,000
Traffic Control Devices/Hwy. Ltg. (61/00)	78044QTT	0	0	0	0	600,000	0	600,000
Engineering and Contingencies (57/00)	78049QTT	0	0	0	0	2,250,000	0	2,250,000
Advanced Right of Way Program (59/00)	80055QTT	0	0	0	0	2,500,000	0	2,500,000
Advanced Planning Program (60/00)	80056QTT	0	0	0	0	300,000	0	300,000
Suburban Streets (56/00)	78043QTT	0	0	0	0	13,950,000	0	13,950,000
Dirt Roads/Surface Treatment (62/00)	78048QTT	0	0	0	0	1,000,000	0	1,000,000
Municipal Street Aid (71/00)	89034QTT	0	0	0	0	3,000,000	0	3,000,000
Miscellaneous/Drainage (56/00)	78043QTT	0	0	0	0	1,200,000	0	1,200,000
Reserve Account	90044QTT	0	0	0	0	6,700,000	0	6,700,000
Subtotal		$0	$0	$0	$0	$187,960,000	$0	$187,960,000
STATE FIRE PREVENTION COMMISSION								
Complete Sussex Fire Trng. Ctr./	91048QDC	$0	$127,600	$182,500	$0	$0	$0	$310,100
Fire Marshal's Office	91048QRC							
Northern Fire Trng. Ctr. Planning	92016QGP	0	0	0	0	0	10,000	10,000

*10-Year Bonds

FISCAL YEAR 1992 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	DFMS NO.	NEW GO BOND AUTHOR-IZATIONS	DEAUTHOR-IZATIONS	REVERSION & REPRO-GRAMMING	STRIPPER WELL	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
Hydraulic Rescue Tools-Milton, Talleyville & Minquadale	92017QGE	0	0	0	0	0	22,500	22,500
Subtotal		$0	$127,600	$182,500	$0	$0	$32,500	$342,600
DELAWARE NATIONAL GUARD								
Air National Guard Land Acquisition	91050QRL 91050QGL	$0	$0	$290,000	$0	$0	$210,000	$500,000
Minor Capital Improvements/Equip.	91051QBM	252,400 *	0	0	0	0	0	252,400
Subtotal		$252,400	$0	$290,000	$0	$0	$210,000	$752,400
UNIVERSITY OF DELAWARE								
Chem.,Biochem.,Marine Sci. Bldg.	90054QBC	$4,000,000	$0	$0	$0	$0	$0	$4,000,000
Sports/Convocation Center	90055QBC	3,000,000	0	0	0	0	0	3,000,000
Pesticide Storage Fac.-Georgetown	92016QRC	0	0	45,000	0	0	0	45,000
Subtotal		$7,000,000	$0	$45,000	$0	$0	$0	$7,045,000
DELAWARE STATE COLLEGE								
Minor Capital Improvements & Equip.	80074QBM	$736,800 *	$0	$0	$0	$0	$0	$736,800 *
Science Center Annex	91054QBC	2,300,000	0	0	0	0	0	2,300,000
Subtotal		$3,036,800	$0	$0	$0	$0	$0	$3,036,800
DELAWARE TECHNICAL & COMMUNITY COLLEGE								
Higher Ed. Facility-Southern	90062QBC	$3,300,000	$0	$0	$0	$0	$0	$3,300,000
Ind. Trng./Ed. Bldg.-Stanton	91057QBC	5,900,000	0	0	0	0	0	5,900,000
MCI & Equipment-Wilmington/Stanton	92019QBM 92019QGM	423,900 *	0	0	0	0	76,100	500,000

*10-Year Bonds

FISCAL YEAR 1992 CAPITAL IMPROVEMENTS PROJECT SCHEDULE

AGENCY/PROJECT	DFMS NO.	NEW GO BOND AUTHOR-IZATIONS	DEAUTHOR-IZATIONS	REVERSION & REPRO-GRAMMING	STRIPPER WELL	TRANSPORTATION TRUST FUNDS	GENERAL FUNDS	TOTAL
MCI & Equipment-Southern	92020QBM 82020QGM	208,000 *	0	0	0	0	51,000	259,000
MCI & Equipment-Terry	92021QBM 92021QGM	249,000 *	0	0	0	0	51,000	300,000
Subtotal		$10,080,900	$0	$0	$0	$0	$178,100	$10,259,000
STATE BOARD OF EDUCATION								
Minor Capital Improvements	78050QBM	$4,422,200 *	$0	$0	$0	$0	$0	$4,422,200
Annual Maintenance Program	78051QBM	1,003,100 *	0	0	0	0	0	1,003,100
Laurel-District Renovations & Additions	91062QBR	1,938,200	0	0	0	0	0	1,938,200
Appoquinimink-District Repairs/Replac.	91063QBR 91063QRR	276,300	0	166,500	0	0	0	442,800
Kent Vo-Tech Conversion Construction	91069QBC	3,332,500	0	0	0	0	0	3,332,500
Sussex Vo-Tech Conversion Construction	91070QBC	1,751,600	0	0	0	0	0	1,751,600
Christina-Roof Replac./Renov./Add.	92022QBR	3,037,000	0	0	0	0	0	3,037,000
Architectural Barrier Removal	91074QBM	160,000 *	0	0	0	0	0	160,000
Milford Renovs./Additions	92023QBC	4,216,500	0	0	0	0	0	4,216,500
NCC Vo-Tech Howard Career Center	92024QBR	300,000 *	0	0	0	0	0	300,000
Brandywine Dist./MCI/Claymont High Sch.	92025QBM	300,000 *	0	0	0	0	0	300,000
Subtotal		$20,737,400	$0	$166,500	$0	$0	$0	$20,903,900
GRAND TOTAL:		$62,175,000	$14,541,200	$5,477,300	$750,000	$187,960,000	$5,000,000	$275,903,500

SUPPLEMENTAL LIST OF TRANSPORTATION PROJECTS
Fiscal Year 1992

I. Corridor/Non-Corridor (66/00)

Naaman's Rd, E. of US202 to US13	$ 3,000,000
SR273, Newark to New Castle	7,800,000
SR141, Price's Corner to US202	2,500,000
SR 48, Lancaster Pike, SR141 to SR 41	6,650,000
SR 1, S. of Dover to Tybouts Corner	78,800,000
Valley Road, Henderson to SR 41	900,000
	$99,650,000

II. Public Transit Improvements (73/00)

Rail Improvements	$ 2,360,000
DART Improvements	6,100,000
DAST Improvements	2,388,000
Commuter Services Improvements	1,150,000
Turnpike Improvements	526,000
Aeronautic Improvements	586,000
	$13,110,000

III. Rehabilitation/Reconstruction Program (64/00)

MAINT NO.	ROAD NO./NAME	FROM	TO
K 356	Lebanon Rd. (Rt. 10)	McDonald's Rest.	US 13
K 8A	Milford Bypass (NB/SB)	US 113	Rd 14 SB
S 212	DE 30	Rd 230	Rd 14 SB DE 1
S 113	US 113	Rd 326	DE 18 Rt 404
N 60	I-495	Rd 59 (I-95)	Penn State Line
N 527	Rd. 527	First State Blvd.	McArther Drive
N 290	Doe Run	Ebeneezer Church Rd 324	Branch Rd 292
N 295	Pike Creek	Linden Hill Rd 321	Paper Mill Rd 13
N 282	Mill Creek	Stoney Batter Rd 283	Old Lancaster Pk Rd 300
N 274	Brackenville	Mill Creek Rd 282	Hooddale Rd 258
N 259	Hooddale	Rolling Mill Rd 263	Mt. Cuba Rd 261
N 209	Grubb	Marsh Rd 23	Naamans Rd 17
N 251	Sharpless Rd.	Mt. Cuba Rd 261	Old Wilmington Rd 275
N 329	Chambers Rock	Penn State Line	Thompson Station Rd 53
N 202	Zebley Rd.	Upper Marsh Rd 201	Penn State Line
N 322	Pike Creek	Kirkwood Hwy Rd 11	Linden Hill Rd 321
N 324	Ebeneezer Church	Paper Mill Rd 13	Branch Rd 292

TOTAL $13,650,000

IV. Paving and Rehabilitation (100% State Funded) (64/00)

CO.	ROAD NO./NAME	FROM	TO
N	Rd. 4 Concord Ave.	Rd. 24 Market St.	Rd. 43 Washington St.
N	Rd. 9 (DEL-52)	Greenhill Ave.	Rd. 505 S.B. Jackson St.
N	Rd. 11 E.B. Del. Ave.	Rd. 11 W.B. Main St.	Rd. 356 Chapel St.
N	Rd. 18 (Del.273)	R&R Underpass	Rd. 366 Chestnut Hill Rd.
N	Rd. 43 Washington St.	Rd. 9 Delaware Ave	Thirty Third Street
N	Rd. 50 S.B. Gov. Printz	Rysing Dr.	Rd. 220 Edgemoor Rd.
N	Rd. 50 N.B. Gov. Printz	Rd. 220 Edgemoor Rd.	Lore Ave.
N	Rd. 50 N.B. Gov. Printz	Stoney Run Creek	Rd. 24 Phila. Pike
N	Rd. 50 S.B. Gov. Printz	Rd. 218 Bellevue Rd.	Lore Avenue
N	Rd. 66 S.B. James St.	Rd. 334 Boxwood Road	Rd. 336 N.B. Justis St.
N	Rd. 66 N.B. James St.	Foxwood Rd.	Rd. 334 Boxwood Rd.
N	Rd. 216 Rockwood Rd.	Rd. 43 Washington St.	Rd. 217 Miller Road
N	Rd. 219 River Rd.	Rodman Rd.	Rd. 218 Bellevue Rd.
N	Rd. 237 E.B. Lancaster Av	Rd. 52 Dupont Rd.	Rd. 505 N.B. Adams St.
N	Rd. 242 Walnut Green Rd.	Rd. 239 Pyles Ford Rd	Rd. 9 Kennett Pike
N	Rd. 250 Lower Snuff Mill	Rd. 247 (Del-82)	Rd. 256 Ninegates Rd.
N	Rd. 254 Friends Meeting Rd	Rd. 275 Old Wilm. Rd.	Rd. 252 Auburn Hill Rd.

CO.	ROAD NO./NAME	FROM	TO
N	Rd. 258 Hooddale Rd.	Rd. 261 Mt. Cuba Rd.	Rd. 261 Mt. Cuba Rd.
N	Rd. 275 Old Wilm. Rd.	Rd. 257 Yorklyn Rd.	Rd. 253 Benge Rd.
N	Rd. 286 Southwood Rd.	PA Line	Rd. 294 Valley Rd.
N	Rd. 290 Doe Run Rd.	Rd. 324 Pleasant Hill Rd	Rd. 288 Henderson Rd.
N	Rd. 292 Branch Rd.	Rd. 324 Corner Ketch Rd.	Rd. 290 Doe Run Rd.
N	Rd. 304	Rd. 35 (Del-71)	Rd. 35 (Del-71)
N	Rd. 327 Old Airport Rd.	Christiana River Bridge	Rd. 336 W.B. Justis St.
N	Rd. 359 Terminal Ave.	Rd. 377 Pigeon Point Rd.	Rd. 28A Christiana Ave.
N	Rd. 359 Terminal Ave.	Rd. 19 New Castle Ave.	Begin Divided
N	Rd. 367 Welsh Tract Ch.	Rd. 397 Sandy Brae Rd.	Rd. 387 S. College Ave.
N	Rd. 378 Clarks Corner Rd.	Rd. 411	Rd. 410 (Del-9)
N	Rd. 388 Iron Hill Rd.	Rd 26 Old Balt. Pike	End
N	Rd. 389 Whitaker Rd.	Rd. 26 Old Balt. Pike	Rd. 367 Welsh Tract Rd.
N	Rd. 407 McCoy Rd.	Dead End	Rd. 356 (Del-72)
N	Rd. 408 Old Cooches Rd.	Rd. 387 (Del-896)	Rd. 336 Old Balti. Pike
N	Rd. 496 Brandywine Blvd.	Rd. 220 Edgemoor Rd.	Rd. 218 Bellevue Rd.
N	Rd. 525 Four Seasons Pkwy.	Rd. 387 (Del-896)	END
N	Rd. 526 Duncan Rd.	Rd. 24 Phila Pike	Rd. 496 Brandywine Blvd.
N	Rd. 7 DuPont Highway	Rd. 40 Clayton Rd.	Rd. 479 Oak Hill Sch Rd.
N	Rd. 10 Levels Rd.	Rd. 461 MD Line Rd	Rd. 445 Strawberry Lane
K	Rd. 19	Rd. 8 (Del. 1)	Rd. 423
K	Rd. 22	Rd. 8 (U.S. 113)	Rd. 21
N	Rd. 30	Rd. 1 (U.S. 13)	Rd. 488
K	Rd. 31	Rd. 377	Rd. 27
K	Rd. 35	Rd. 428	Rd. 388
N	Rd. 40 Clayton Rd.	Kent County Line	Rd. 483 Alley Mill Rd.
N	Rd. 47 Green Spring Rd	Rd. 474 VanDyke Rd.	Maryland Line
K	Rd. 62	Rd. 34B	Rd. 309
K	Rd. 75	Rd. 208	Rd. 50
K	Rd. 90	Rd. 41	1000 Ft. E. of Rd. 146
K	Rd. 94	Rd. 44	Rd. 41
K	Rd. 95	Rd. 41	Rd. 96
K	Rd. 99A	Rd. 99	End
K	Rd. 101	Rd. 51	Rd. 171
K	Rd. 105	Rd. 368	Rd. 360
K	Rd. 125	Rd. 53	Rd. 52
K	Rd. 168	Rd. 166	Rd. 45
K	Rd. 182	Rd. 103	Rd. 49
K	Rd. 281	Rd. 78	Rd. 57
K	Rd. 371	Rd. 33	Rd. 381
K	Rd. 384	Rd. 386	Rd. 385
N	Rd. 420 Keene Rd.	Rd. 22 DuPont Hwy.	Rd. 2 Port Penn Rd.
N	Rd. 425 Graylag Rd.	Rd. 428 Shallcross Mill	Rd. 22 DuPont Highway
N	Rd. 436 Bohemia Mill Rd.	Maryland Line	Rd. 435 Choptank Rd.
N	Rd. 463 Blackbird Sta. Rd	Rd. 471 Blackbird Rd.	Rd. 36 Dexter Corner Rd.
N	Rd. 470 Masseys Church Rd	Rd. 469 Black Dia. Rd.	Rd. 471 Black Forest Rd.
N	Rd. 471	Rd. 47	Rd. 472
N	Rd. 484 George Reed Rd.	Rd. 47 Green Springs Rd	Rd. 469 Black Diamond Rd
N	Rd. 2	Rd. 34	Rd. 418
N	Rd. 30 Flemings Lndg Rd	Rd. 488 Brickstore Road	Rd. 45
N	Rd. 37 Vance Neck Rd.	Rd. 22 (U.S. 13)	Rd. 424 (Del 9)
K	Rd. 116	Rd. 429	Rd. 384
K	Rd. 122	Rd. 121	Bennett's Pier
K	Rd. 147	Rd. 42	Rd. 41 (Del 300)
K	Rd. 154	Rd. 2 (U.S.13)	Rd. 156 Salusbury Road
K	Rd. 162	Rd. 51 (Del 8)	Rd. 100
K	Rd. 165	Rd. 166	Rd. 170
N	Rd. 165	Rd. 100	Rd. 101
K	Rd. 167	Rd. 101	Rd. 168
K	Rd. 168	Rd. 170	Rd. 166
K	Rd. 170	Rd. 103	Rd. 49 (Del 44)
K	Rd. 174	Rd. 46 (Del 11)	Rd. 98
K	Rd. 182	Rd. 103	Rd. 49 Main St. Hartly
K	Rd. 189	Rd. 50 (Del 8)	Rd. 49 Main St. Hartly
K	Rd. 191	Rd. 220	Rd. 219
K	Rd. 202	Rd. 52	Rd. 195 W Railroad Ave

CO.	ROAD NO./NAME	FROM	TO
K	Rd. 204	Rd. 202	Rd. 73 North St Dover
K	Rd. 217	Rd. 206	Rd. 103
K	Rd. 219	Rd. 191	Rd. 103
K	Rd. 220	Rd. 222	Rd. 50 (Del 8)
K	Rd. 221	Rd. 222	Rd. 50 (Del 8)
K	Rd. 239	Rd. 108	Rd. 5(U.S. 13)
K	Rd. 275	Rd. 277	Rd. 279
K	Rd. 280	Rd. 58	Rd. 57 (Del 12)
K	Rd. 283	Rd. 285	Rd. 57 Del 12
K	Rd. 285	Rd. 281	Rd. 283
K	Rd. 287	Rd. 284	Rd. 5(U.S. 13)
K	Rd. 289	Rd. 284	Rd. 5(U.S. 13)
K	Rd. 310	Rd. 62	Rd. 61
K	Rd. 361	Rd. 4 (U.S. 13A)	Rd. 24 (U.S. 13)
K	Rd. 367	Rd. 368	Rd. 30 Woodside Main St.
K	Rd. 368	Rd. 367	Rd. 106
K	Rd. 380	Rd. 33 (Del 15)	Rd. 385
K	Rd. 384	Rd. 613	Rd. 443
K	Rd. 385	Rd. 384	Rd. 380
K	Rd. 386	Rd. 384	Rd. 33 (Del 15)
N	Rd. 413	Rd. 15	Rd. 22
N	Rd. 417 Dutch Neck Road	Rd. 2 Del 9	Rd. 2 Del 9
K	Rd. 423	Rd. 8 (U.S. 113)	19
N	Rd. 424 (Del 9)	Rd. 441 Old State Rd.	Rd. 439 (Del 9)
N	Rd. 429 Mechanic St.	Rd. 39 (U.S. 301)	Rd. 435 Choptank Rd.
N	Rd. 430 Brick Mill Rd.	Rd. 438 (U.S. 301)	Rd. 429 Mechanics St.
N	Rd. 433	Rd. 16 (Del 896)	Rd. 63 Summit Bridge Rd
N	Rd. 441 Old State Road	Rd. 1	Rd. 424
N	Rd. 445	Rd. 10 The Levels	Rd. 62 (U.S. 301)
N	Rd. 453	Rd. 449 (Del 9)	Dead End
N	Rd. 471	KCL	Rd. 40 Delaney's Rd.
N	Rd. 483	Rd. 40	Rd. 47
N	Rd. 485	Rd. 486 Duck Creek Rd.	Rd. 484
S	Rd. 5 (Del. 404),	Rd. 4 (U.S. 13)	Rd. 18 (Del 18)
S	Rd. 16	Kent & Sussex Line	Greenwood Town Limits
S	Rd. 20 (Del. 20)	Rd. 113 (U.S. 113)	Rd. 326
S	Rd. 20 (Del. 20)	Rd. 62	Rd. 432
S	Rd. 22	Rd. 290	Rd. 280A
S	Rd. 22 (Del. 5)	Rd. 24 (Del. 24)	Rd. 302
S	Rd. 22	Rd. 303A	Rd. 48
S	Rd. 26 (Del. 26)	Rd. 405A	Rd. 113 (U.S. 113)
S	Rd. 46	Rd. 526A	Rd. 516
S	Rd. 54	Rd. 356	Rd. 26 (Del. 26)
S	Rd. 60	Rd. 380A	Rd. 377
S	Rd. 60	Rd. 379	Rd. 113 (U.S. 113)
S	Rd. 62	Rd. 459	Rd. 64
S	Rd. 267	Rd. 18	Rd. 266
S	Rd. 268	Rd. 14 (Del.1)	Begin Divided
S	Rd. 272	Rd. 14 (Del. 1)	Rd. 272A
S	Rd. 274	Rd. 275	Rd. 275A
S	Rd. 297	Rd. 48	Rd. 248
S	Rd. 318	Rd. 86	Rd. 317
S	Rd. 326	Rd. 24 (Del.24)	Rd. 82
S	Rd. 370	Rd. 370A	Rd. 52
S	Rd. 370	Rd. 382	Rd. 369
S	Rd. 376	Rd. 380	Rd. 392
S	Rd. 449	Rd. 463	Rd. 24 (Del. 24)
S	Rd. 510	Rd. 76	Rd. 515
S	Rd. 529	Rd. 46	Rd. 18
S	Rd. 536	Rd. 556	Rd. 539
S	Rd. 639	Rd. 543	Rd. 13
S	Rd. 22C	END	Rd. 22 (Del. 5)
S	Rd. 38	Rd. 39	Rd. 199
S	Rd. 39	Rd. 38	Rd. 39-A
S	Rd. 44	Rd. 611	Rd. 630
S	Rd. 52C	END	Rd. 52 (Del. 17)
S	Rd. 212	Rd. 212-A	Rd. 231

CO.	ROAD NO./NAME	FROM	TO
S	Rd. 217	END (Rd. 216-A)	Rd. 14 (Del. 1)
S	Rd. 232	Rd. 16 (Del. 16) Main St.	Rd. 232-8
S	Rd. 282	END	Rd. 18 (U.S. 9)
S	Rd. 284	END	Rd. 24 (Del 24)
S	Rd. 288-A	Rd. 24 (Del. 24)	Rd. 280-8
S	Rd. 301	Rd. 302	Rd. 24 (Del. 24)
S	Rd. 305	Rd. 24 (Del. 24)	Rd. 297
S	Rd. 318	Rd. 48	Rd. 432
S	Rd. 326	Rd. 432	Rd. 325
S	Rd. 326	Rd. 20 (Del. 20)	Rd. 328
S	Rd. 332	Rd. 331	Rd. 335
S	Rd. 335	Rd. 332	Rd. 336
S	Rd. 336	Rd. 335	END
S	Rd. 342	Rd. 341-A	Rd. 342-A (Sussex Rd)
S	Rd. 342	Rd. 54	Rd. 26
S	Rd. 356	Rd. 54	Rd. 355
S	Rd. 357-A	Rd. 357	END
S	Rd. 368	Rd. 362	Rd. 361
S	Rd. 370-8	Rd. 381-A	Rd. 370
S	Rd. 380	Rd. 380-A	Rd. 113 (U.S. 113)
S	Rd. 384	Rd. 382	Rd. 383
S	Rd. 388	Rd. 387	Rd. 390-A
S	Rd. 419	Rd. 261 (Del. 26)	Rd. 418
S	Rd. 421	Rd. 24 (Del. 24)	Rd. 410
S	Rd. 424	Rd. 26 (Del. 26)	Rd. 421
S	Rd. 425	Rd. 424	Rd. 24 (Del. 24)
S	Rd. 427	Rd. 428	Rd. 64
S	Rd. 430	Rd. 64	Rd. 427
S	Rd. 434	Rd. 472	Rd. 74
S	Rd. 436	Rd. 472	END
S	Rd. 447	Rd. 446	Rd. 467-A
S	Rd. 451	Rd. 464	Rd. 66
S	Rd. 463	Rd. 449	Rd. 24 (Del. 24)
S	Rd. 464	Rd. 4[illegible]	Rd. 458
S	Rd. 465	Rd. 46[illegible]	Rd. 479
S	Rd. 467	Rd. 468	Rd. 28
S	Rd. 468	Rd. 13 Central Ave.	Rd. 2 (U.S. 13 N.B.)
S	Rd. 472	Rd. 435-A	Rd. 431
S	Rd. 472	Rd. 438	Rd. 434
S	Rd. 479	Rd. 466	Rd. 479-A
S	Rd. 483	Rd. 484	Rd. 446
S	Rd. 483-A	Rd. 20 (Del. 20)	Rd. 483
S	Rd. 492-A	Rd. 492	Rd. 493
S	Rd. 494	Rd. 24 (Del. 24)	Rd. 501
S	Rd. 498	Rd. 24 (Del. 24)	Rd. 498A
S	Rd. 501	Rd. 511	Rd. 515
S	Rd. 502	Rd. 76 (Del. 54)	Rd. 501
S	Rd. 506	Rd. 505	Rd. 498
S	Rd. 508	Rd. 507	Rd. 508-A
S	Rd. 510	Rd. 76 (Del. 54)	Rd. 502
S	Rd. 511	Rd. 510	Rd. 501
S	Rd. 518	Rd. 28 (U.S. 9)	Rd. 62
S	Rd. 527	Rd. 579	Rd. 605
S	Rd. 562	Rd. 404 (Del. 404)	Rd. 34
S	Rd. 563	Rd. 31	Rd. 562
S	Rd. 571	MD Line	Rd. 404 (Del. 404)
S	Rd. 573	Rd. 575	Rd. 575-A
S	Rd. 582	Rd. 404 (Del. 404)	Rd. 583
S	Rd. 587	Rd. 585	Rd. 16 (Del. 16)
S	Rd. 587-A	Rd. 34	Rd. 585
S	Rd. 594	Rd. 40	Rd. 596
S	Rd. 611	Rd. 597	Rd. 602
S	Rd. 611	Rd. 16 (Del 16)	Rd. 632
		TOTAL	$16,770,000
	Statewide Purchase of Hot-Mix Material		$280,000
	Statewide Concrete Patching		$350,000
		TOTAL	$17,400,000

V. Suburban Streets Program

Appleby Road from house #229 to driveway of 'Out of Towne' shop	92-452	14,300
Ashbourne Hills (lower) - Topaz Rd. from Coral Dr. to Naamans Dr.	92-484	70,200
Ashley Heights - Atwood Court from Valley Road to circle	92-445	5,200
Bethany Beach - Pennsylvania Ave., First Ave., Evans St.,Tingle St.	92-159	45,500
Brandon - Paper Lane from Taney Lane to end	91-274	13,000
Brandon - Radka Lane from Robert Lane to end	91-275	6,500
Brandon - Robert Lane from Smith Lane to Dons Lane	91-276	10,400
Brandon - Smith Lane from Naamans Road to end	91-277	36,400
Brandon - Taney Lane from Smith LAne to Andys Lane	91-278	11,700
Brandywine Springs Manor - E. Oakland Dr. from Herbert to Faulkland	92-286	57,200
Brandywood - Pennington Drive from Brandywood Drive to house #2621	91-145	40,300
Breezewood II - Bark Drive from Shady Drive East ot end	92-041	7,000
Breezewood II - Westwind from Shady Drive East to circle	92-045	23,400
Breidablik - East Mozart Drive in front of house #10	92-216	5,200
Bridgeville - Jacob Drive from Cannon Street to Main St. (Road 5)	92-138	49,400
Bristol Knoll-Bristol Knoll Dr from Appleton Rd (Rd 312) to circle	92-296	31,200
Brookmeade #1 - Kittiwake Dr. from Turnstone Dr. to Turnstone Dr.	92-434	15,600
Brookmeade #1 - Turnstone Dr. from Centerville Rd. to House #2513	92-435	31,200
Brookmont Farms - Curlew Dr. from Flamingo Dr. to Curlew Circle	92-436	24,700
Brookmont Farms - Gull turn from Flamingo Drive to end	92-437	13,000
Brookmont Farms - Heron Court from Flamingo Dr. to end	92-438	18,200
Brookmont Farms - Raven turn from Flamingo Drive to end	92-439	19,500
Brookmont Farms - Teal Circle from Flamingo Drive to end	92-440	22,100
Brookside Park - Montvale Road from Kensington Lane to Hallboro Dr.	92-394	81.900
Camden - Apple Street from Wesley Street to Pear Street	92-239	30,800
Camden - Cemeter Street from West Street to Ceasar Rodney Avenue	92-240	49,400
Camden - Prattis Street from Stevens Street to deadend	92-241	11,300
Caravel Farms - Mabel Lane from Road 401 to Valerie Drive	92-414	22,100
Castle Hills - Deborah Road from Midfield Road to Midfield Road	92-412	48,100
Castle Hills - Pierson Place from Deborah Road to Chelwynne Road	92-411	33,800
Castleshire - Dandenog Drive from Millcreek Road to circle	92-147	16,900
Cavaliers Apartments - Cavaliers Dr. from Churchmans Rd. to end	92-206	33,800
Chapel Hill - Chapel Hill Drive from Aronmink Drive to St. Regis	92-260	20,800
Chelsea Estates - Gail Road from Morris Road to Mark Drive	92-333	71,500
Chelsea Estates - intersection of Jay Dr. & Mark Dr., front of hs#5	92-105	4,000
Chestnut.Hill Estates - Lisbeth Rd. from W. Stephen Dr. to Shue Dr.	92-155	20,800
Chestnut Hill Estates - Roberts Rd. from Augusta Dr. to Carole Rd.	92-156	10,400
Chestnut Hill Estates - W. Stephens from Augusta Dr. to Carole Rd.	92-157	113,100
Chestnut Hill Estates -Granville Lane W. Stephens Dr to W. Stephens	92-154	26,400
County park access road from Aspen Dr. to new County park land	92-185	97,500
Coventry - Dunsinane Drive from W. Bellamy Dr. to W. Edinburg Dr.	92-462	45,500
Coventry - West Bellamy Drive from Dunsinane to W. Edinburg Drive	92-461	14,300
Creek Bend - Creek Bend Drive from circle to new hot mix	92-257	24,700
Deerhurst - Lone Acre Road from Foulk Road to Pierce Road	92-455	33,800
Del Haven Estates - Dogwood Drive from Road 31 to new hot mix	92-067	39,000
Delmar - Grove Street from Road 13 to Sixth Street	92-209	32,500
Devonshire - Tunison Drive from N. Rockfield Dr to N. Rockfield Dr	91-439	56,000
Drummond North - Clemson court from Ware Road to circle	92-262	23,400
Drummond North - Embry Court from Denison Street to circle	92-263	9,100
Drummond Ridge - Martine Court from Dewalt Road to Anisonia Court	92-373	11,700
Duross Heights - Allegretto Ave from Betts Ave to Collingsdale Ave	92-087	5,300
Duross Heights - Allegretto Road from Betts Avenue to Strawbridge	92-238	18,200
Edgebrook - Edgebrook Wasy from Road 336 (Route 7) to circle	92-254	26,000
Elmwood - Spectrum Drive from Regal blvd to Chancellor Drive	91-233	40,000
Fairfax Farms - Nenagh Road from Sharpley Road to circle	92-456	39,000
Fairway Falls - Boral Drive from Champions Drive to Pebble Beach	92-258	5,900
Fairway Falls - Fairway Road from Skyline Drive to entrance	92-106	9,100
Fannin Acres - Elmer Drive from Road 570 to deadend	92-300	13,000
Faulkland Heights - Baxter Drive from Newell Drive to Canora Dr.	92-288	20,800
Faulkland Heights - Canora Drive from Alister Drive to Dean Drive	92-289	19,500
Faulkland Heights - Dean Drive from Newell Drive to Canora Drive	92-290	16,900
Fieldwood - Ramblewood Drive from Fieldcrest to Fieldcrest Drive	92-248	52,000
Four Seasons - Halloween Run from circle to circle	92-419	67,600
Fox Hollow subdivision - Fairfield Dr. from Wandering Way to 130' W	92-196	14,300
Governor Printz Boulevard at Edgemoor Road - street lighting	92-113	5,300
Graylyn Crest - Floral Drive from Silverside Road to Matwood Drive	92-137	53,300
Green Briar - Robert Road at end near Milton	92-348	2,600
Greentop - Coper Ave, Bunting Ave, Church Ave, Road 225	92-387	35,100
Grendon Farms (Heritage Park)-Kathlyn Ct from Stephenson to circle	92-464	20,800
Guyen court Road (Road 231) from Route 100 to Route 92	92-068	67,600

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Hamilton Park - Hamilton Street from South Street to Center Street	91-426	20,000
Hamilton Park - Hamilton Street from South Street to Center Street	91-427	14,500
Henderson Heights - Henderson Hill Road from Old Coach to House #25	92-374	35,100
Hickory Hills - Garrick Road from hemingway Dr. to Erickson Dr.	92-431	23,400
Hickory Hills - Pershing Road from Erickson Dr. to Hemingway Dr.	92-430	15,600
Hills of Skyline - Crestline Road from Skyline Dr. to Ridgevale Rd.	92-369	57,200
Hillstream - Elder Way from Doe Run Road to Welwyn Road	92-270	36,400
Hillstream - High Meadwon Lane from Welwyn Road to circle	92-268	13,000
Hillstream - Kimberly Lane from Welwyn Road to circle	92-269	7,800
Holiday Hills - Old Orchard Road from Marsh Road to Coventry Drive	92-472	6,800
Indian Field - South Trail, Indian Field rd, North Trail, Council	92-483	81,900
Intersection of Road 461 and 462	92-307	6,500
Jamestowne - Craig Road from Jamestowne Drive to Jamestowne Drive	92-251	29,900
Jamestowne - Jamestowne Drive from School Bell Road to end	92-252	36,400
Keen-Mik - Maple Lane from Cedar Road to dead end	92-076	39,000
Kennett Pike and Hillside Road for A. I. Dupont School	92-151	950
Kent Acres - Wayne Drive from Woodbrook Drive to Woodbrook Drive	92-277	26,300
Knollwood - all streets	92-485	20,800
Lake Pines - Hearn Avenue from Boyce Avenue to deadend	92-246	20,800
Laurel - Road 466 - Delaware Avenue from Short Avenue to Route 13	92-459	36,400
Leipsic Fire Company - traffic preemption devices	92-035	3,430
Lewes - Road 19 drainage - Tastee Freeze entrance from Road 18 east	92-306	7,800
Limestone Hills - Bunting Drive from Middleton Drive to Middleton	92-379	33,800
Linden Heath - access road along Mermaid Blvd. - both sides	92-259	33,800
Little Creek Fire Company - traffic preemption devices	92-036	3,430
Llangolled Estates - speed humps - Llangollen Ave and Woodale Ave	92-401	12,000
Lynnfield - Bette Road from Marsh Road to Homwood Drive	92-346	27,300
Manor Park - Bassett Avenue from Lea Road to McMullen Avenue	91-308	19,500
Marabou Meadows - Dolphin Drive and Marabou Drive intersection	92-060	85,000
McDaniel Crest - Florence Ave. from Concord Pike to Shellpot Ave.	92-198	70,200
McVey School - access road from intersection of Glyn & Janice Drs.	92-343	13,000
Meadowood - Azalea Road from Forsythia Drive to Sundew Road	92-375	18,200
Meadowood - Larkspur Road from Pike Creek Road to end	92-377	11,700
Meadowood - Sundew Road from Larkspur Road to Mayflower Drive	92-378	16,900
Meadowood Drive - Rockrose Drive from Forsythia Dr. to Sundew Rd.	92-376	28,600
Meeting House Hill - Boyd's Valley Drive from White Clay Crescent	92-370	52,000
Meeting House Hill - Whitfield Road from White Clay Crescent	92-371	15,600
Mendenhall Village - Old Flint Circle from Quail Hollow Dr. to end	92-443	11,700
Mendenhall Village - Tall Oaks Drive from Village Dr. to Village Dr	92-406	22,700
Mendenhall Village - Woodbridge Dr. from Village Dr. to circle	92-407	23,800
Mendenhall Village-Pine Grove Lane from circle to Round Tree Cir.	92-405	8,400
Middleboro Crest - Paynter Drive	90-348	23,400
Midvale - 2nd Avenue	92-099	3,500
Milford - Haven Lake canal	92-181	30,000
Milford-N. W. Front St from Parson Throne Masion tol Plaza Shopping	92-189	33,270
Naamans Manor - Locust Drive from Foulk Road to end	92-118	10,400
Nanticoke Acres - Hickory Rd, Pine Rd, Holly Rd, Oak Rd, County Rd	92-053	67,600
New Castle Conservation District - Dorval drainage project	92-310	11,500
New Castle city - 14th Street from cul-de-sac to Moores Lane	92-460	45,500
Newark - New London Road from West Main street to Cleveland Avenue	92-396	9,100
Newark - North Chapel Street from East Main Street to New Street	92-397	11,700
Northminster - drainage	90-925	17,700
Oak Forest Estates - Beaver Drive from Road 46 (Route 11) to Hawk	92-446	21,200
Oak Lane Manor - Parkside Drive from Oak Lane Road to Shipley Road	92-420	109,200
Oak Meadows - Thistle Lane from Oak Meadow Drive to Oak Meadow	92-475	4,000
Oak Meadows - drainage - Thistle Lane from Oak Meadow to Oak Meadow	92-474	41,600
Old Saint James Church Road from Kirkwood Hwy. (Rte 2) to end	92-207	4,550
Penn Acres - E Roosevelt Avenue in front of House #203	92-005	2,500
Penn Acres South - Bunker Hill Road at existing median	92-069	4,500
Pleasantville - Catherine Street from Route 273 to end	92-367	13,000
Pleasantville - Pleasant Place from Route 273 to circle	92-447	31,200
Plum Run - hogan Drive from Mermaid Blvd. to entrance to Plum Run	92-261	15,600
Porter Square - Middle Wallop Dr from Manston Ct. to hse #30	92-482	29,900
Rivers End (Crofton)-Scott Run Circle from Providence Dr to Provid.	92-146	29,900
Road 121 - South Bowers Beach from bridge 2-121B to dead end	92-350	69,800
Road 16 - Main Street in front of Little Creek Fire Company	92-037	31,000
Road 167 from Road 168 to Road 101	92-217	99,500
Road 18C behind Frank Furches property and parallel to Road 18C	92-136	3,300
Road 21 - Sussex Trust western entrance	92-245	6,500
Road 215 - drainage	92-169	8,000
Road 215 - drainage	92-304	4,000
Road 225	92-109	6,000

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Road 23 - Forrest Street in front of Salvation Army	92-224	3,900
Road 275 from Road 18 (Route 404) to Road 24	92-250	131,000
Road 361 from Road 4 (Route 13A) to Road 24 (Route 13)	92-354	70,200
Road 427 from road 424 to Road 422	92-219	88,400
Road 441 (Rouet 299) from bridge 393 to Road 424	92-275	61,700
Road 457 - Money Road from 1800' east of Road 14 to 900' east	92-365	46,800
Road 459 from Road 24 to Maryland and Delaware railroad crossing	92-274	61,500
Road 466 - maintenance to place about 90' of CM pipe	92-009	1,700
Robscott Manor - Bobby Drive at intersection of Havertown Road	92-398	3,100
Robscott Manor - Havertown Road from Bobby Drive to Gill Drive	92-400	14,300
Robscott Manor - Natalie Lane from Gill Drive to Argyle Road	92-092	9,100
Rodric Village - Rodric Terrace from Rodric Drive to deadend	92-386	23,000
Rogers Manor - Burton Avenue from Route 7 (New Castle Ave) to Adair	92-413	65,000
Route 2 and Cleveland Avenue/Woodlawn Avenue	92-152	5,000
Route 54 and Route 382 - traffic signal	92-451	39,750
Rutherford - Pheasant Lane	92-390	3,000
Selbyville - Rd 58 & Rd 376, Rd 58 from Rd 52 to Church	92-351	96,200
Sheridan Square - access lane from Nicholby Drive to Millcreek Shop	92-388	10,400
Sherwood Forest - Stature court from Stature Drive to circle	91-235	20,000
Shipley Road from Foulk road to #1820 Shipley Road	92-115	7,000
Shipley Woods - Parrish Lane from Shipley Road to circle	92-103	20,800
Simond Gardens - Parker Place from Pilgrim Road to Lambsons Lane	92-040	27,000
Simonds Gardens - Parker Place from Pilgrim Road to Lambsons Lane	92-234	6,500
Simonds Gardens - Pilgrim Road from Simonds Drive to end	92-235	20,800
Simonds Gardens - Simonds Drive from Lambsons Lane to end	92-237	31,200
Southwood - Loblolly Court from Sassafras Dr. to circle	92-184	9,800
Surrey Park - Coachman Road from Coachman Court to Sorrel Drive	92-123	38,800
Surrey Park - Coachman Street from Coachman Road to circle	92-122	12,300
Surrey Park - PAddock Lane from coachman Road to Stable Court	92-124	22,100
Sutton Place - E. Sutton from Veale Road to circle, W. Sutton	92-282	54,600
Tavistock (Edenridge #3) - Westcliff Road - house #712	92-457	3,900
Tavistock - intersection of Kilburn Road and Burnley Road	92-382	5,600
Taylor Estates - North Taylor Dr. from Road 24 to Taylor Street	92-278	69,600
Taylor Estates - alley behind 1750 Taylor Street	92-322	8,100
Taylortowne - Verdi Circle from Opus Drive to Mozart Way	92-442	28,600
Tina Drive from South Old Mill Road to deadend	92-357	19,700
Traffic - Camden fire signal - Camden Wyoming Ave. at fire house	92-301	18,500
Traffic - Cranston Heights - fire signals on Rte 2 (Kirkwood Hwy)	92-302	29,000
Traffic - Fenwick Island - fire signals on SR 1 at fire house	92-303	29,000
Twin Oaks/Forest Hills Park - Simon Rd from Foulk Rd to Talley Rd	92-448	25,000
Webster Farms - Jan Drive from Ridgeland Road to Webster Drive	92-279	42,900
Wedgewood - Antioch Court from Wedgefield Drive to end	92-255	13,000
Wedgewood - Wedgefield Drive from house #8 to house #140	92-208	80,600
Wellington West - Wellington West Dr. from Lancaster Pike to end	92-444	10,400
Westgate Farms - Cardew Court from Westgate Drive to circle	92-294	16,900
White Oak Road - channelization	92-383	5,900
Windsor Hills - Cambridge Dr. from Warwick Dr. to Windsor Hills Dr.	92-193	23,400
Windsor Hills - Warwick Dr. from Rockingham Dr. to Cambridge Dr.	92-191	36,400
Windsor Hills - Windsor Hills Dr. from Foulk Rd. to Rockingham Dr.	92-192	10,400
Windybush - Southwick Drive from Silverside Road to Chatham Place	92-324	6,500
Windybush - Windybush Drive from Delview Drive to Wynnwood Drive	91-189	37,700
Woods Manor East - McBry Drive from Highview to McBry Court	92-120	56,600
Wynnwood - Wynnwood Road from Foulk Road to Patwynn Road	92-471	2,950
Wyoming - Pine Street from Southern Blvd. to Camden Wyoming Avenue	92-363	17,000
Wyoming - Second Street from Layton Avenue to Railroad Avenue	92-360	10,500
Wyoming - South Drive from North Ceasar Rodney Avenue to deadend	92-362	15,600
Wyoming - West Broad Street from Road 195 to deadend	92-359	16,600
Wyoming-North Drive from Harrison Avenue to North Ceasar Rodney Dr.	92-361	7,900
Yorktown-Thistleberry Farms-Fashion Circle from circle to Penn Manr	92-048	14,300

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Brandon - Thomas Lane from Robert Lane to Don's Lane	91-279	3,250
Breezewood II - Eastwind court from circle to circle	92-042	1,000
Breezewood II - Shady Drive East and West - all	92-043	17,600
Chatham-Brickton Rd from Larkal Dr to Graylun Rd, front of Hs 1130	92-049	7,415
Chestnut Hill Estates - Carole Rd form W Stephens Dr. to Augusta Dr	92-153	29,150
City of Rehoboth - street drainage	92-469	55,000
Colonial Park - Ogle Avenue 100 and 200 blocks	92-121	43,000
Deacons Walk-Sheldon Dr from Polly Drummond Rd to Drummond North Ap	92-266	20,000
Dover - North Street from Federal Street to State Street	92-308	30,000
Dover - St. Jones Greenway from Silver Lake to US Route 13	92-309	30,000
Duncan Glen - Charles Road from Hannam Road to South Cora loop	92-212	2,000
Duncan Glen - Hannam Road from circle to Duncan Road	92-213	7,000
Duncan Glen - South Cora loop from circle to circle	92-214	6,000
Edgemoor Terrace - Van Dyck Drive Beekman Road to W. Salisbury Rd.	92-047	24,700
Gateway Farms (Hickory Hills)-Cabot Dr. from Hemingway Dr. to Erik.	92-148	1,450
Grendon Farms (Heritage Park)-Stephenson Dr from Grendon to Grendon	92-465	2,300
Haines Avenue from River Road to Governor Printz Boulevard	92-221	34,000
Hickory Hills - Hemmingway Drive from Erickson Dr. to Erickson Dr.	92-429	1,400
Jamestowne - Laurie Court from Jamestowne Drive to circle	92-253	14,600
Kiamensi Gardens - Maxwellton Road from Binstead Avenue to end	92-024	19,200
Kiamensi Gardens - Sherman	91-939	22,100
Lakewood Farms - Lakewood Circle from Branch Road to Lakewood Crcle	92-256	19,000
Liftwood - Malden Drive near house #4659	92-033	47,500
Limestone Hills - Hayloft Circle Hayloft Drive to Hayloft Drive	92-404	1,450
Melanie - Melanie Drive from Route 273 to circle, Scottie Lane	92-453	30,900
Montclare - Marlboro Road from Belair Drive to Montclare Drive	92-466	16,900
Montclare - Salem Drive from Delaire Drive to circle	92-467	20,000
Montclare - Salem Drive from Delaire Drive to circle	92-468	20,000
Newport Gap Pike from existing catchbasin opposite Hse #3518	92-135	9,550
Plum Run - Plum Run Court from circle to end	92-272	1,000
Rivers End (Crofton) - Bynum Lane from Providence Dr to S. Red Lion	92-129	6,000
Rivers End (Crofton) - Providence Drive from Rivers End Rd to Bynum	92-131	3,000
Road 26 - Ocean View from high school to Cnetral Ave (Road 84)	91-316	14,500
Road 457 - Money Road from Road 14 to bridge	92-403	63,000
Road 461 from Road 462 to 1100' east, from Road 462 to 300' west	92-195	10,000
Route 52 - Centreville sidewalks from Owls Nest Road to 1200' south	92-119	50,000
Route 896 (New London Road) at Covered Bridge Farms	92-072	3,000
Smyrna Landing - Road 64 from Road 9 (Rte 6) to Road 9 (Rte 6)	92-479	43,550
Truitt Farms - Calf Run Drive from Milltown Road to house #2421	92-416	4,000
Truitt Farms - Calf Run Road from house #2421 to circle	92-417	6,000
Weldin Woods - Weldin Circle from Weldin Road to Weldin Road	92-149	35,750
Westgate Farms - Longford Court from Westgate Drive to circle	92-292	7,300

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01st Senatorial District	92-801	185,000
01st Senatorial District - Greenways	92-601	40,000
02nd Senatorial District - Greenways	92-602	30,000
03rd Senatorial District	92-803	182,000
04th Senatorial District	92-804	60,850
04th Senatorial District - Greenways	92-604	30,000
05th Senatorial District	92-805	91,035
05th Senatorial District - Greenways	92-605	10,000
06th Senatorial District - Greenways	92-606	30,000
07th Senatorial District	92-807	112,800
08th Senatorial District	92-808	30,400
09th Senatorial District	92-809	125,025
10th Senatorial District - Greenways	92-610	21,800
12th Senatorial District	92-812	157,000
13th Senatorial District	92-813	120,550
14th Senatorial District	92-814	105,550
15th Senatorial District	92-815	160,250
16th Senatorial District	92-816	8,850
16th Senatorial District - City of Dover Greenways	92-616	30,000
17th Senatorial District	92-817	48,840
18th Senatorial District	92-818	117,350
19th Senatorial District	92-819	184,700
20th Senatorial District	92-820	110,400
21st Senatorial District	92-821	179,200
01st Representative District - Miscellaneous - City of Wilmington	92-701	225,000
02nd Representative District - Greenways	92-652	25,000
02nd Representative District - Streets, City of Wilmington	92-702	200,000
03rd Representative District	92-703	27,650
03rd Representative District - Greenways	92-653	30,000
04th Representative District - City of Wilm. - Streetscape Improvs.	92-979	15,000
04th Representative District - City of Wilm. - Van Buren & S. Park	92-981	12,000
04th Representative District - City of Wilmington - tree planting	92-978	15,000
04th Representative District - City of Wilmington streets	92-704	111,600
04th Representative District - Greenways - Brandywine Creek Erosion	92-980	15,000
05th Representative District - Miscellaneous sidewalks and trees	92-705	225,000
06th Representative District	92-706	20,970
07th Representative District	92-707	59,675
07th Representative District - Northern Delaware Greenways	92-657	20,000
08th Representative District	92-708	225,000
09th Representative District	92-709	17,225
11th Representative District	92-711	30,000
11th Representative District - Greenways	92-661	20,000
13th Representative District	92-713	225,000
14th Representative District	92-714	208,100
15th Representative District	92-715	57,300
16th Representative District	92-716	78,100
17th Representative District	92-717	110,500
19th Representative District	92-719	187,700
20th Representative District	92-720	89,025
20th Representative District - Greenways	92-620	20,000
21st Representative District	92-721	7,800
23rd Representative District	92-723	100,000
23rd Representative District - Greenways	92-683	33,750
24th Representative District	92-724	2,440
25th Representative District	92-725	102,700
27th Representative District	92-727	125,750
28th Representative District	92-728	15,400
29th Representative District	92-729	125,500
30th Representative District	92-730	225,000
31st Representative District	92-731	225,000
32nd Representative District	92-732	34,500
32nd Representative District - Greenways	92-682	15,000
33rd Representative District	92-733	65,680
34th Representative District	92-734	5,500
35th Representative District	92-735	169,100
36th Representative District	92-736	116,900
37th Representative District	92-737	57,550
37th Representative District - Greenways	92-687	10,000
38th Representative District	92-738	50
39th Representative District	92-739	191,200
40th Representative District	92-740	153,400
41st Representative District	92-741	136,600

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104 Brookmeadow Road - drainage	92-925	8,000
Amtrak Bridge	92-921	1,000
Arden	92-983	5,000
Ardencroft	92-984	2,000
Ardentown - special road projects	92-971	9,500
Cedar Farms	92-959	8,960
Charles H. Mason Subdivision	92-907	1,000
Christiane Drive	92-901	50,000
City of Dover streets	92-973	60,000
City of Milford - N. E. 10th Street and entrance Milford H.S.	92-924	5,000
City of Milford - bridge	92-923	35,000
City of New Castle	92-920	68,000
City of Newark - Kells Avenue from Academy St. to Manuel St.	92-915	76,700
City of Newark - Stafford access road	92-911	6,800
City of Wilm. - 1000 block Walnut Street - sidewalk repair	92-936	3,500
City of Wilm. - 10th St. from Pine to Kirkwood - sidewalk repair	92-937	4,000
City of Wilm. - 10th St. from Pine to Lombard - sidewalk repair	92-932	4,100
City of Wilm. - 10th St. from Walnut to Wilson - sidewalk repair	92-935	3,500
City of Wilm. - 200 block Delmore St. - sidewalk repair	92-930	14,200
City of Wilm. - 300 block Delmore St. - sidewalk repair	92-954	6,100
City of Wilm. - 400 block Delmore St. - sidewalk repair	92-955	9,800
City of Wilm. - 500 block Delmore St. - sidewalk repair	92-956	20,200
City of Wilm. - 6th St. from Broom to Rodney - sidewalk repair	92-931	7,900
City of Wilm. - B St. from Heald to Townsend - sidewalk repair	92-934	5,900
City of Wilm. - Pine St. from 10th to 11th - sidewalk repair	92-938	3,300
City of Wilm. - Pine St. from 9th St. to 10th St. - sidewalk repair	92-933	4,300
City of Wilm.- Peach St from Heald to Claymont - sidewalk repair	92-929	6,200
City of Wilmington - 11th Street - Wawaset Park	92-977	18,000
City of Wilmington - 1200 West 6th Street - tree planting	92-950	4,050
City of Wilmington - 1300 West 3rd St. - tree planting	92-945	3,600
City of Wilmington - 1300 West 5th Street - tree planting	92-949	3,150
City of Wilmington - 1400 West 3rd Street - tree planting	92-946	3,600
City of Wilmington - 1400 West 6th Street - tree planting	92-951	3,600
City of Wilmington - 1500 West 3rd Street - tree planting	92-947	2,250
City of Wilmington - 1500 West 4th Street - tree planting	92-948	1,350
City of Wilmington - 1500 block Lancaster Ave - sidewalk repair	92-928	6,200
City of Wilmington - 200 West 8th Street - tree planting	92-952	1,800
City of Wilmington - 200 block Rodney Street - sidewalk repair	92-960	8,000
City of Wilmington - 300 West 8th Street - tree planting	92-953	2,250
City of Wilmington - McCauley St. between Pine St. and Poplar St.	92-982	152,250
City of Wilmington - Saymore Road - Wawaset Park	92-976	28,000
Delaware State College - pave stadium parking lot, student center	92-914	45,000
Delaware State College - resurface road and parking area	92-913	20,000
Denham Lane	92-987	24,700
Laurel - Sussex Conservation District	92-910	1,000
Milford - S. Washington Street	92-986	20,000
Milford bridges	92-919	70,000
New Castle Conservation District - Belltown Woods	92-957	16,500
New Castle Conservation District - Binford Lane	92-975	16,000
New Castle Conservation District - Bona Road	92-966	18,000
New Castle Conservation District - Delwood P. D.	92-963	19,000
New Castle Conservation District - Edgewood II P. D.	92-962	6,900
New Castle Conservation District - River Road P. D.	92-961	8,880
New Castle Conservation District - Rockfield Drive	92-967	18,000
New Castle Conservation District - Scottfield - Pinefield Road	92-965	14,500
No name road from Road 20 to deadend	92-908	1,000
Paramedic signing	92-974	7,000
Pencader Drive	92-902	65,000
Road signing - E911 project	92-916	7,000
Road signing - E911 system	92-922	3,500
Rolling Meadows - Hackney Drive	92-918	29,500
South Dupont Road safety improvement project	92-985	5,000
Stratford - Ermine public ditch - Ermine Lane	92-903	8,000
Twin Oaks - Forestdale Drive and Woodley Drive	92-964	20,000
University of Delaware - Thompson Lane Drive	92-972	10,000
University of Delaware - paving	92-927	25,000
Veteran's Way - safety improvements, traffic control devices	92-926	50,000
Windy Hills - entrance	92-958	8,500

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Office of Secretary of Finance
Debt Limit Statement Dated June 30, 1991

This Debt Limit Statement to be attached to
H.B. 390 as required by Section 7422, Title 29, Delaware Code.

(1)	Estimated Net General Fund revenue for the fiscal year ending June 30, 1992 as per the joint resolution of the House and Senate and signed by the Governor in connection with the adoption of the annual Budget Appropriation Bill for that fiscal year	$1,248,500,000
(2)	Multiply by 5%	x .05
(3)	Maximum aggregate principal amount of new tax-supported obligations which may be authorized by the State in the fiscal year ending June 30, 1992	62,425,000
(4)	Less aggregate principal amount of previously authorized tax-supported obligations subject to debt limit	$ 0
(5)	AVAILABLE DEBT LIMIT prior to appended legislation (3-4)	$ 62,425,000
(6)	Less aggregate principal amount of new tax-supported obligations subject to debt limit to be authorized pursuant to appended legislation	$ 62,175,000
(7)	REMAINING DEBT LIMIT (5-6)	$ 250,000

Secretary of Finance

6/30/91
Date

CHAPTER 157

FORMERLY

HOUSE BILL NO. 395

AN ACT TO PROVIDE FOR A SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, SOCIAL SERVICES FOR THE PURPOSE OF AN EMERGENCY CONCERNING MEDICAID FUNDS FOR NON-STATE INSTITUTIONS.

WHEREAS, the cost of health care is increasing at an astronomical rate; and

WHEREAS, the need for funds to match federal funding is deemed critical; and

WHEREAS, patients in Non-State institutions have the urgent need for medical care; and

WHEREAS, it is essential to maximize the availability of federal funds; and

WHEREAS, an emergency situation exists when the patients in Non-State institutions cannot receive medical care.

NOW, THEREFORE:

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all the members elected to each House thereof concurring therein):

Section 1. The General Assembly hereby finds that an emergency exists in the appropriation of funds for Medicaid for Non-State institutions.

Section 2. The amount of twenty million dollars ($20,000.0) is hereby appropriated to the Department of Health and Social Services, Social Services for the purpose of Medicaid for Non-State institutions.

Section 3. This Act is a supplementary appropriation and the monies herein appropriated shall be paid by the State Treasurer out of funds in the General Fund of the State of Delaware not otherwise appropriated.

Section 4. The funds herein appropriated which remain unencumbered on June 30, 1992, shall revert to the General Fund of the State of Delaware.

Approved July 11, 1991.

CHAPTER 158

FORMERLY

SENATE BILL NO. 223

AN ACT TO AMEND CHAPTER 16, TITLE 24 OF THE DELAWARE CODE RELATING TO ADULT ENTERTAINMENT ESTABLISHMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1617, Chapter 16, Title 24 of the Delaware Code by striking the title of said section, and substituting in lieu thereof the following:

"§1617. Grounds for refusal to issue a license; suspension; revocation"

Section 2. Amend §1617, Chapter 16, Title 24 of the Delaware Code by striking the first twenty-two words of subsection (a), and substituting in lieu thereof the following:

"(a) The Commission shall refuse to issue a license to any applicant, and shall revoke any license for the operation of an adult entertainment establishment other than a massage establishment, for any of the following reasons:"

Approved July 11, 1991.

CHAPTER 159

FORMERLY

SENATE BILL NO. 220

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO AGENCY RULES AND REGULATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §10115, Chapter 101, Title 29 of the Delaware Code by striking the word "and" as it appears at the end of paragraph "(3)"; by striking the "." at the end of paragraph "(4)" and substituting in lieu thereof "; and "; and by adding a new paragraph (5) which shall read as follows:

"(5) The notice shall also be mailed to the Secretary of the Senate and the Clerk of the House of Representatives."

Section 2. Amend §10118, Chapter 101, Title 29 of the Delaware Code by striking subsection (b) of said section, and substituting in lieu thereof the following new subsection (b):

"(b) The effective date of an order which adopts, amends or repeals a regulation shall be not less than thirty days from the date the order was issued unless such adoption, amendment or repealer qualifies as an emergency under §10119."

Section 3. Amend Chapter 9, Part II, Title 29 of the Delaware Code by striking the title to said Chapter, and substituting in lieu thereof the following:

"CHAPTER 9. LEGISLATIVE BILLS, LAWS, JOURNALS AND COMMITTEES".

Section 4. Amend Chapter 9, Part II, Title 29 of the Delaware Code by adding thereto a new section, designated as §910, which new section shall read as follows:

"§910. Consideration of agency rules during legislative iterim.

(a) Where an agency adopts a new rule or regulation, or makes a substantive change or amendment to its rules or regulations at any time during the legislative interim between July 1 and the second Tuesday in January, and the Chairman of a standing committee of either house believes in good faith that such rule, regulation, amendment or change impacts upon or is within the subject-matter jurisdiction of such standing committee, the Chairman may schedule a meeting of the committee to consider such rule, regulation, amendment or change.

(b) Where more than one committee wishes to hold a meeting to consider the same rule, regulation, amendment or change, all such standing committees shall become a joint committee and shall remain in being as a joint committee for that purpose until the first day of the next following General Assembly session, or until the adjournment of such joint committee. A standing committee may withdraw from the joint committee at any time. Each such joint committee shall be co-chaired by a House standing committee chairman and a Senate standing committee chairman.

(c) Each such joint committee shall have the power, by a majority vote of its members, to draft a committee report setting forth its suggestions and recommendations, and to request the President pro tempore of the Senate or the Speaker of the House to call a special session to consider committee recommendations. Each committee report shall be forwarded to the Sunset Committee."

Section 5. Amend §10212, Chapter 102, Title 29 of the Delaware Code by re-designating said §10212 as new §10213, and by re-designating each succeeding section accordingly.

Section 6. Amend Chapter 102, Title 29 of the Delaware Code by adding thereto a new section, designated as §10212, which new section shall read as follows:

"§10212. Agency Rules and Regulations.

(a) Rules review.

The Committee may conduct a specialized or focused review of one or more rules or regulations of an agency. Such a review shall be known as a 'rules review,' and shall not include the same schedules and procedures as a full-scale agency review.

(b) Procedure for rules review.

An agency may be selected for a rules review in the same manner as an agency is selected for an agency review under this Chapter, or may be selected upon the written request by the Chairman of a standing committee of either House that such a review be conducted. If the committee decides to conduct a rules review of an agency, the name of such agency shall be included among those agencies scheduled for the next immediate review; or a rules review may begin immediately if, in the determination of the committee, an emergency exists.

(c) Informational hearing.

When the committee is to conduct a rules review of an agency, it shall first hold an information-gathering hearing in which any agency, individual or business shall have the right to testify as to any issue concern, defect, or problem relating to the rules or regulations under review by the committee. The committee shall also permit members of the public, and any state agency, to send written testimony and other written materials to the committee. The committee shall, from the hearing and written materials, compile a 'list of concerns' which shall include those issues, concerns, defects or problems which the committee feels merit closer study and consideration.

(d) Sunset Report and legislation.

Within one week following the hearing, the committee shall meet to consider the accumulated testimony and written materials; and may meet as many times thereafter and continue its review, for as long as the committee shall determine. Upon conclusion of its review, the committee shall list those changes in the agency's rules or regulations that the committee deems necessary or appropriate; and shall meet with the highest administrative officer of the agency and/or his designees to determine what changes, if any, can be agreed upon between the agency and the committee. Where an agreement or possible solutions to the remaining items set forth in the 'list of concerns' cannot be obtained, the committee shall set forth its recommendations in the next immediate Sunset Report, and shall cause such legislation to be drafted as will, in the determination of the committee, best accomplish its recommendations."

Approved July 11, 1991.

CHAPTER 160

FORMERLY

SENATE BILL NO. 156
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 71, TITLE 18, DELAWARE CODE, RELATING TO LONG-TERM CARE INSURANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §7103(4)c.3., Chapter 71, Title 18, Delaware Code, by striking the second sentence thereof in its entirety and substituting in lieu thereof the following:

"Thirty days after such filing the association shall be deemed to satisfy such organizational requirements, unless the Commissioner makes a finding that the association or associations do not satisfy those organizational requirements."

Section 2. Amend §7103(5), Chapter 71, Title 18, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof a new subsection (5) to read as follows:

"(5) "Long-term care insurance" shall mean any insurance policy or rider advertised, marketed, offered or designed to provide coverage for not less than twelve consecutive months for each covered person on an expense incurred, indemnity, prepaid or other basis; for one or more necessary or medically necessary diagnostic, preventive, therapeutic, rehabilitative, maintenance, or personal care services, provided in a setting other than an acute care unit of a hospital. Such term includes group and individual annuities and life insurance policies or riders which provide directly or which supplement long-term care insurance. Such term also includes a policy or rider which provides for payment of benefits based upon cognitive impairment or the loss of functional capacity. Such term includes group and individual policies or riders whether issued by insurers; fraternal benefit societies; non-profit health, hospital, and medical service corporations; prepaid health plans; health maintenance organizations or any similar organization to the extent they are otherwise authorized to issue life or health insurance. The words "long-term care" shall not include any insurance policy which offered primarily to provide basic Medicare supplement coverage, basic hospital expense coverage, basic medical-surgical expense coverage, hospital confinement indemnity coverage, major medical expense coverage, disability income or related asset-protection coverage, or limited benefit health coverage. With regard to life insurance, this term does not include life insurance policies which accelerate the death benefit specifically for one or more of the qualifying events of terminal illness, medical conditions requiring extraordinary medical intervention, or permanent institutional confinement, and which provide the option of a lump-sum payment for those benefits and in which neither the benefits nor the eligibility for the benefits is conditioned upon the receipt of long-term care. Notwithstanding any other provision contained herein, any product advertised, marketed, or offered as long-term care insurance shall be subject to the provisions of this Chapter."

Section 3. Amend §7104, Title 18, Delaware Code, by deleting the citation '§7103(4)d.' as it appears therein and by inserting in lieu thereof the citation '§7103(4)'.

Section 4. Amend §7105(b), Chapter 71, Title 18, Delaware Code, by adding thereto a new subsection (4) to read as follows:

"(4) Conditions eligibility for any benefits other than waiver of premium, post-confinement, post-acute care or recuperative benefits on a prior institutionalization requirement."

Section 5. Amend §7105(d)(2), Chapter 71, Title 18, Delaware Code, by striking said subsection in its entirety and substituting in lieu thereof the following:

"(2) A long-term care insurance policy containing post-confinement, post-acute care or recuperative benefits shall clearly label in a separate paragraph of the policy or certificate entitled "Limitations or Conditions on Eligibility for Benefits" such limitations or conditions, including any required number of days of confinement."

Section 6. Amend §7105(d)(3), Chapter 71, Title 18, Delaware Code, by striking such subsection in its entirety and substituting in lieu thereof the following new §7105(d)(3) to read as follows:

(3) A long-term care insurance policy or rider which conditions eligibility for non-institutional benefits on the prior receipt of institutional care shall not require a prior institutional stay of more than thirty (30) days."

Section 7. Amend §7105, Chapter 71, Title 18, Delaware Code, by adding thereto new subsection (e), (f), (g), (h), (j), (k), and (l) to read as follows:

"(e) The Commissioner may adopt regulations establishing loss ratio standards for long-term care insurance policies provided that a specific reference to long-term care insurance policies is contained in the regulation.

(f) Right to Return-Free Look: Long-term care applicants shall the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, the applicant is not satisfied for any reason. Long-term care insurance policies and certificates shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy or certificate within thirty (30) days of its delivery and to have the premium refunded if, after examination of the policy or certificate, other than a certificate issued pursuant to a policy issued to a group defined in section 7103(4)(d) of this Chapter, the applicant is not satisfied for any reason.

(g) Outline of coverage.

(1) An outline of coverage shall be delivered to a prospective applicant for long-term care insurance at the time of the initial solicitation through means which prominently direct the attention of the recipient to the document and its purpose.

(i) The Commissioner shall prescribe a standard format, including style, arrangement and overall appearance, and the content of an outline of coverage.

ii. In the case of agent solicitations, an agent must deliver the outline of coverage prior to the presentation of an application or enrollment form.

iii. In the case of direct response solicitations, the outline of coverage must be presented in conjunction with any application or enrollment form.

(2) The outline of coverage shall include:

(i) A description of the principal benefits and coverage provided in the policy.

(ii) A statement of the principal exclusions, reductions, and limitations contained in the policy.

(iii) A statement of the terms under which the policy or certificate, or both, may be continued in force or discontinued, including any reservation in the policy of a right to change premium. Continuation or conversion of group coverage shall be specifically described.

(iv) A statement that the outline of coverage is a summary only, not a contract of insurance, and that the policy or group master policy contains governing contractual provisions.

(v) A description of the terms under which the policy or certificate may be returned and premium refunded.

(vi) A brief description of the relationship of cost of care and benefits.

(h) A certificate issued pursuant to a group long-term care insurance policy which policy is delivered or issued for delivery in this state shall include:

(i) A description of the principal benefits and coverage provided in the policy;

(ii) A statement of the principal exclusions, reductions and limitations contained in the policy; and

(iii) A statement that the group master policy determines governing contractual provisions.

(j) At the time of policy delivery, a policy summary shall be delivered for an individual life insurance policy which provides long-term care benefits within the policy or by rider. In the case of direct response solicitations, the insurer shall deliver the policy summary upon the applicant's request, but regardless of request shall make delivery no later than at the time of policy delivery. In addition to complying with all applicable requirements, the summary shall also include:

(i) An explanation of how the long-term care benefit interacts with other components of the policy, including deductions from death benefits;

(ii) An illustration of the amount of benefits, the length of benefit, and the guaranteed lifetime benefits if any, for each covered person;

(iii) Any exclusions, reductions and limitations on benefits of long-term care; and

(iv) If applicable to the policy type, the summary shall include a disclosure of the effects of exercising other rights under the policy, a disclosure of guarantee related to long-term care costs of insurance charges, and current and projected maximum lifetime benefits.

(k) Any time a long-term care benefit, funded through a life insurance vehicle by the acceleration of the death benefit, is in benefit payment status, a monthly report shall be provided to the policy holder. Such report shall include:

(i) Any long-term care benefits paid out during the month;

(ii) An explanation of any changes in the policy , e.g. death benefits or cash values, due to long-term care benefits being paid out; and

(iii) The amount of long-term care benefits existing or remaining.

(l) Any policy or rider advertised, marketed or offered as long-term care or nursing home insurance shall comply with the provisions of this Chapter."

Section 8. Amend §7106, Chapter 71, Title 18, Delaware Code, by inserting before the existing sentence thereof a new sentence to read as follows:

"The Commissioner shall issue reasonable regulations to establish minimum standards for marketing practices, agent compensation, agent testing, penalties and reporting practices for long-term care insurance, and any other rules and regulations necessary for or as an aid to the administration or effectuation of any provision of this Chapter."

Section 9. Amend Chapter 71, Title 18, Delaware Code, by adding thereto new Sections 7107 and 7108 to read as follows:

"7107. Severability.

If any provision of this Chapter or the application thereof to any person or circumstance is for any reason held to be invalid, the remainder of the chapter and the application of such provision to other persons or circumstances shall not be affected thereby.

§7108. Penalties.

In addition to any other penalties provided by the laws of this state, any insurer or agent found to have violated any requirement of this state relating to the regulation of long-term care insurance or the marketing of such insurance shall be subject to a fine of up to three times the amount of any commissions paid for each policy involved in the violation or up to $10,000, whichever is greater."

Approved July 11, 1991.

CHAPTER 161

FORMERLY

SENATE BILL NO. 218
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES AND TO RECOGNIZE ADVANCED REGISTERED NURSE PRACTITIONERS WHOSE AREA OF PRACTICE DOES NOT HAVE A NATIONAL CERTIFICATION EXAMINATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 2. Amend Section 1902(d), Chapter 19, Title 24 of the Delaware Code by adding thereto the following:

"'Advanced registered nurse practitioner' also means a currently-licensed registered nurse who has gained added knowledge and skills through an organized post-basic program of study and clinical experience, but who has not met national certification requirements as approved by the Board of Nursing because of absence of a national certification examination related to the specific advanced or specialized nursing practice and has five years experience as of May 1, 1991, may, no later than May 1, 1992 apply for advanced registered nurse practitioner designation."

Approved July 11, 1991.

CHAPTER 162

FORMERLY

HOUSE BILL NO. 301

AN ACT TO AMEND TITLE 24 OF THE DELAWARE CODE RELATING TO NURSES TO CHANGE THE MANNER IN WHICH BOARD OF NURSING MEMBERS ARE APPOINTED AND TO CLARIFY ACTIVITIES WHICH DO NOT REQUIRE LICENSURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1903(d), Title 24 of the Delaware Code by deleting said subsection in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) Sixty days prior to the expiration of the term of any member of the Board, a successor shall be appointed by the Governor. A list of at least 3 nominees for each registered nurse vacancy may be furnished to the Governor by the Delaware Nurses' Association and other professional organizations in order to aid the Governor in the appointment of new members of the Board. A list of at least 3 nominees for each licensed practical nurse vacancy may be furnished to the Governor by the Delaware Licensed Practical Nurses' Association and others in the practical nursing community in order to aid the Governor in the appointment of new members of the Board. The Governor shall not be limited to the recommendations of the professional organizations in making appointments of registered or practical nurses to the Board. The Governor shall seek nominees from the consumer population for the public members appointees. Vacancies occurring for any cause other than expiration of term shall be filled by the Governor for the unexpired term as provided in this subsection."

Section 2. Amend §1921(a), Title 24, of the Delaware Code by adding thereto a new paragraph (14) to read as follows:

"(14) The practice of any currently licensed registered nurse or licensed practical nurse of another state who provides or attends educational programs or provides consultative services within this state not to exceed 14 days in any calendar year. Neither the education nor consultation may include the provision of patient care, the direction of patient care, or the affecting of patient care polices."

Approved July 11, 1991.

CHAPTER 163

FORMERLY

SENATE BILL NO. 141

AN ACT TO AMEND TITLE 8 OF THE DELAWARE CODE RELATING TO A PROCEDURE FOR PROVIDING FOR CLAIMS AGAINST A DISSOLVED CORPORATION AND TO CERTAIN FEES AND CHARGES PAYABLE TO THE SECRETARY OF STATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend §281(b), Title 8, Delaware Code by inserting the number "(1)" between the words "title" and "shall" in the first sentence thereof, and by deleting the phrase "and all claims which" from the first sentence thereof and inserting in lieu thereof the phrase ", and (ii) shall make such provision as".

Section 2. Amend §312(g), Title 8, Delaware Code by deleting the word "twice" from the first sentence thereof and inserting in lieu thereof the words "three times".

Section 3. Amend §391(a)(2), Title 8, Delaware Code by striking said subparagraph in its entirety and substituting in lieu thereof the following:

"(2) Upon the receipt for filing of a certificate of amendment of certificate of incorporation, or a certificate of amendment of certificate of incorporation before payment of capital, or a restated certificate of incorporation, increasing the authorized capital stock of a corporation, the tax shall be an amount equal to the difference between the tax computed at the foregoing rates upon the total authorized capital stock of the corporation including the proposed increase, and the tax computed at the foregoing rates upon the total authorized capital stock excluding the proposed increase. In no case shall the amount paid be less than $30."

Section 4. Amend §391(a)(4), Title 8, Delaware Code by striking said subparagraph in its entirety and substituting in lieu thereof the following:

"(4) Upon the receipt for filing of a certificate of merger or consolidation of 2 or more corporations, the tax shall be an amount equal to the difference between the tax computed at the foregoing rates upon the total authorized capital stock of the corporation created by the merger or consolidation, and the tax so computed upon the aggregate amount of the total authorized capital stock of the constituent corporations. In no case shall the amount paid be less than $75. The foregoing tax shall be in addition to any tax or fee required under any other law of this State to be paid by any constituent entity that is not a corporation in connection with the filing of the certificate of merger or consolidation."

Section 5. Any corporation of this State that filed a certificate of the type contemplated by §391(a)(2) and/or §391(a)(4) during the period of time from June 18, 1990 through the effective date of this bill which corporation is still in existence under the laws of the State and in good standing with the State may apply to the Secretary of State for a credit against future franchise taxes owing to the State equal to the difference between the tax paid in connection with said filing and the tax calculated under §391(a)(2) and/or §391(a)(4), as the case may be, as amended by this bill. All corporations seeking a credit must apply for the credit prior to April 1, 1992.

Approved July 11, 1991.

CHAPTER 164

FORMERLY

SENATE BILL NO. 174
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND SUBCHAPTER III, CHAPTER 31, TITLE 16, DELAWARE CODE, RELATING TO PERMIT FOR CREMATION: ISSUANCE, RETENTION AND INSPECTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §3162(a), Chapter 31, Title 16, Delaware Code, by deleting the present subsection in its entirety and inserting a new subsection to read as follows:

"(a) A body may be cremated only after the preparation of a special cremation permit signed by the chief medical examiner or an assistant or deputy medical examiner. In the presentation of the cremation permit to the chief medical examiner or his representative for signature, the permit must be accompanied by a death certificate signed by the attending physician and by a cremation authorization signed by the next of kin or legal representative of the deceased. The signature of the chief medical examiner or his representative to the cremation permit shall constitute his affirmation that there is no medical reason why the cremation should not take place. The chief medical examiner or an assistant or deputy medical examiner shall have the authority to hold the remains of the deceased pending any investigation into the cause and manner of death."

Approved July 11, 1991.

CHAPTER 165

FORMERLY

SENATE BILL NO. 159

AN ACT TO AMEND TITLE 30, CHAPTER 54, DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5401(1), Chapter 54, Title 30, Delaware Code by adding thereto a new subparagraph to read as follows:

"(s) Any conveyance to a non-profit conservation organization when the property is purchased for open space preservation purposes."

Approved July 15, 1991.

CHAPTER 166

FORMERLY

SENATE BILL NO. 226

AN ACT TO AMEND CHAPTER 29, TITLE 24 OF THE DELAWARE CODE RELATING TO DISCLOSURE OF AGENCY IN A REAL ESTATE TRANSACTION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Add a new section 2929 to Chapter 29 of Title 24 of the Delaware Code which shall read as follows:

"§2929. Agency Disclosure.

(a) All licensees must disclose, in writing, who they represent. This disclosure shall be made to all parties to a transaction who the licensee does not represent but with whom the licensee has substantive contact such as prospective sellers, lessors, buyers and lessees.

(b) This disclosure referenced in subsection (a) shall be made at the first substantive contact between the licensee and the person the licensee does not represent. A listing Broker who is not also the selling agent and who has no substantive contact with the prospective buyer or lessee, need not make any agency disclosure to the prospective buyer or lessee.

(c) The Commission may adopt rules and regulations to prescribe the form of disclosure to be used by licensees or minimum criteria for the form of disclosure."

Section 2. Amend Section 2912(a)(4) of Title 24 of the Delaware Code by inserting the words "and written consent" between the words "knowledge" and "of all parties".

Approved July 15, 1991.

CHAPTER 167

FORMERLY

HOUSE BILL NO. 11
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO COLLECTION OF TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §8604, Chapter 86, Title 9, Delaware Code by striking the words "delivered to him" wherever such words appear in subsection (a) and by substituting in lieu thereof the word "postmarked".

Section 2. Amend subsection (c), §8312, Chapter 83, Title 9, Delaware Code by adding after the designation "30 days" the words "by postmark date".

Approved July 15, 1991.

CHAPTER 168

FORMERLY

HOUSE BILL NO. 65
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 4 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A RESPONSIBLE ALCOHOLIC BEVERAGE SERVER TRAINING PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Title 4 of the Delaware Code by adding thereto a new Chapter 12 which shall read as follows:

"Chapter 12. Delaware Responsible Alcoholic Beverage Server Training Program.

§1201. Findings and declaration of policy.

It is determined and declared as a matter of legislative findings that:

(1) The irresponsible service and consumption of alcoholic beverages has had a significant adverse impact on highway safety, personal health and individual welfare and is not in the best interests of the citizens of this State;

(2) Commercial servers of alcoholic beverages who are licensed by the State of Delaware have a responsibility to ensure that their customers are served alcoholic beverages in a responsible and appropriate manner;

(3) Responsible server training programs have proven to be an effective means of addressing in a positive and constructive manner, the irresponsible and inappropriate service of alcoholic beverages by commercial establishments;

(4) The voluntary responsible alcoholic beverage server training program which has been conducted by the Delaware Alcoholic Beverage Control Commission staff has been well received by those licensed commercial servers of alcoholic beverages who have undergone the training;

(5) A voluntary server training program cannot be as effective as a mandatory program which would reach all licensed commercial servers of alcoholic beverages for on-premises consumption;

(6) Such a mandatory training program should be provided to licensees and their employees at no cost so as to encourage their full support and participation; and

(7) The establishment of a mandatory responsible alcoholic beverage server training program will promote highway safety and the public health and welfare of the citizens of Delaware;

Therefore it is declared to be the policy of this State to promote the safety, health and welfare of its citizens by the establishment and operation of a mandatory responsible alcoholic beverage server training program pursuant to the provisions of this chapter.

§1202. Implementation.

(a) It shall be the responsibility of the Alcoholic Beverage Control Commission to establish by regulation training courses and materials, examinations and examination procedures, certification procedures, and enforcement procedures with respect to the implementation of a mandatory responsible alcoholic beverage server training program in Delaware.

(b) In establishing, implementing, certifying or otherwise approving any training program, the Alcoholic Beverage Control Commission and the Division of Alcoholic Beverage Control shall consult with and seek comment from industry groups affected by the program as well as other interested State agencies.

§1203. Applicability; on-premises licenses.

(a) Effective July 1, 1992 every person who holds any valid license issued by the Alcoholic Beverage Control Commission pursuant to this title which authorizes the sale of alcoholic beverages for on-premises consumption shall, upon request, be required to demonstrate that his employees who as part of his or her employment responsibilities sells, prepares, dispenses, serves, or otherwise delivers alcoholic beverages directly to patrons of the licensed establishment for on-premises consumption, or who manages employees who do, has successfully completed a responsible alcoholic beverage server training program recognized and approved by the Commission in accordance with the provisions of this chapter. Each licensee who participates directly in the management of the licensed establishment shall also be required to successfully complete a responsible alcoholic beverage server training program recognized and approved by the Commission.

(b) Following July 1, 1992, every person who makes application for any license or for renewal of any valid license issued by the Alcoholic Beverage Control Commission pursuant to this title, which authorizes the sale of alcoholic beverages for on-premises consumption shall, as part of the application process, certify to the Commission that his employees who as part of his or her employment responsibilities sells, prepares, dispenses, serves or otherwise delivers alcoholic beverages directly to patrons of the licensed establishment for on-premises consumption, or who manages employees who do, has successfully completed a responsible alcoholic beverage server training program recognized and approved by the Commission in accordance with the provisions of this chapter. Each applicant who intends to participate directly in the management of the licensed establishment shall also be required to successfully complete a responsible alcoholic beverage server training program recognized and approved by the Commission.

(c) The provisions of subsections (a) and (b) of this section shall not apply to license issued pursuant to sections 514 and 525 of this title.

§1204. Training standards and curriculum.

(a) In order to be recognized and approved by the Alcoholic Beverage Control Commission, a responsible alcoholic beverage server training program shall include, but need not be limited to, providing information related to the following:

(1) Alcohol as a drug and its effects on the body and behavior, especially as to driving ability;

(2) Effects of alcohol in combination with commonly used legal prescription or non-prescription drugs and illegal drugs;

(3) Recognizing the problem drinker and the identification of community treatment programs and agencies;

(4) Applicable Delaware alcoholic beverage control laws and Alcoholic Beverage Control Commission Rules;

(5) Delaware laws related to drinking and driving;

(6) Intervention techniques, involving methods of dealing with the problem customer who has had, or is approaching the point of having had, too much to drink;

(7) Advertising, promotion and marketing of alcoholic beverages for safe and responsible drinking patterns and standard operating procedures for dealing with customers.

(b) The Commission may by regulation provide additional training standards and curricula to be included within any responsible alcoholic beverage server training program as a condition to its being recognized and approved by the Commission.

(c) The Commission may provide a responsible alcoholic beverage server training program through trained personnel of the Division of Alcoholic Beverage Control or it may approve and certify such a training program or

programs to be provided through independent contractors, private persons or educational institutions.

(d) Anyone required to undergo training in accordance with the provisions of this chapter, who has within the previous four years successfully completed a responsible alcoholic beverage server training program which satisfies the requirements of the Commission, and is approved by the Commission, shall not be obligated to undertake additional training until such time as the person is required to undergo renewal training in accordance with §1205 of this chapter.

§1205. Certification and renewal training.

Every person who successfully completes an approved responsible alcoholic beverage server training program shall be certified by the Commission as having met the requirements of this chapter. Such certification shall be valid for a period of four years at which time the person must undergo renewal training in order to obtain recertification which shall also be valid for a period of four years. Renewal training shall include the information described in §1204 of the Chapter and/or such other information as the Commission may by regulation require.

§1206. Violations; penalties.

(a) The Commission may reprimand or impose an administrative fine against any licensee who intentionally violates any provision of this chapter or any regulation promulgated by the Commission pursuant thereto.

(b) The Commission may preclude any employee of a licensee who fails to comply with the applicable training requirements contained in this chapter or any regulation promulgated by the Commission pursuant thereto from working in any capacity in a licensed establishment until such time as it is provided with proof that the employee has successfully completed the applicable training requirements.

§1207. Enforcement.

The Alcoholic Beverage Control Commission shall be responsible for enforcement of this chapter and shall have exclusive original jurisdiction over all alleged violations of its provisions.

§1208. Training Program costs.

All costs associated with the implementation, administration and enforcement of the requirements of this chapter shall be paid from a special fund entitled the 'Delaware Responsible Alcoholic Beverage Server Training Program Fund'. The Commission shall deposit $300.00 from each application process fee, collected pursuant to §554(k) of this title, into the Delaware Responsible Alcoholic Beverage Server Training Program fund. The Fund shall be a revolving fund and no funds deposited therein shall revert to the General Fund of the State Treasury. The Alcoholic Beverage Control Commission shall, on or before December 31 of each year, beginning December 31, 1991, make a report to the Governor of all income and expenditures made from said Fund. A copy of said reports shall be given biennially on or before December 31, to any member of the General Assembly who requests a copy. The commission shall deposit $200.00 from each application process fee, collected pursuant to §554(x) of this title, into an account designated by the Department of Finance for the general fund of the State Treasury."

Section 2. Amend §554(x), Title 4, Delaware Code by deleting the figure "$200" as it appears therein and substituting in lieu thereof the figure "$500" and by adding the following at the end of said subsection:

> "Three Hundred Dollars ($300.00) of the application process fee shall be retained by the Commission and deposited in a special fund for the sole purpose of providing for the implementation, administration and enforcement of the Delaware Responsible Alcoholic Beverage Server Training Program established pursuant to Chapter 12 of this title.".

Section 3. The Alcoholic Beverage Control Commission shall present to the General Assembly on or before June 30, 1993 a report concerning the effectiveness of the Delaware Responsible Alcoholic Beverage Server Training

Program. Among other things, the report shall contain recommendations as to whether employees of seasonal licensees, employees of licensees who serve alcoholic beverages only as incidental to food service and/or employees of licensees whose licenses permit the sale of alcoholic beverages solely for off-premises consumption should undergo the full training curriculum, provided for in this Act, an abbreviated curriculum, or some other method of training. The report should also contain recommendations with respect to standards and curricula for any alternative training program(s).

Section 4. Notwithstanding any provision of law specifying the frequency with which a licensee and/or his employees must successfully complete an approved responsible alcoholic beverage server training program, the Alcoholic Beverage Control Commission shall study and report to the General Assembly on or before June 30, 1993 on the most effective and reasonable frequency for completing such programs.

Approved July 15, 1991.

CHAPTER 169

FORMERLY

HOUSE BILL NO. 113
AS AMENDED BY SENATE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 59, TITLE 29 OF THE DELAWARE CODE, RELATING TO THE MERIT SYSTEM OF PERSONNEL ADMINISTRATION; AND PROVIDING FOR PROVISIONAL EMPLOYMENT UNDER CERTAIN CIRCUMSTANCES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5903, Chapter 59, Title 29 of the Delaware Code by adding thereto a new subsection, designated as subsection (22) which new subsection shall read as follows:

"(22) Provisional employees appointed pursuant to §5924 during the trial work period;"

Section 2. Amend §5924, Chapter 59, Title 29 of the Delaware Code, by striking said §5924 in its entirety, and substituting in lieu thereof the following:

"§5924. Provisional employment.

The rules shall provide for provisional employment for persons participating in the Generic Agency Aide Program, the Selective Placement Program, or any other employment program for the physically or mentally disabled which is administered by the State Personnel Office in conjunction with another State agency or non-profit organization. Such provisional employment shall be by appointment without a competitive examination and without listing on an eligibility list. Each appointee shall successfully complete a trial work period, or pass a competitive examination, before being considered for permanent employment or probational employment in the classified service. No provisional employment shall be continued beyond twelve months. Before any appointment is made concerning provisional employment, the State Personnel Office shall inform the prospective appointee of all potential concerns with regard to Social Security Income (SSI) should he/she accept the appointment."

Approved July 15, 1991.

CHAPTER 170

FORMERLY

HOUSE BILL NO. 166
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 3, TITLE 21 OF THE DELAWARE CODE RELATING TO THE ACCESSIBILITY OF THE DRIVER AND VEHICLE RECORDS AS RETAINED BY THE DIVISION OF MOTOR VEHICLES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Section 305, Chapter 3, Title 21 of the Delaware Code by striking subsections (a), (b) and (c) in their entirety and inserting in lieu thereof the following new subsections (a), (b) and (c):

"(a) All vehicle title, vehicle registration, driver license and driver performance records, which are 3 years old or less in the offices of the Division of Motor Vehicles shall be made available to the following named persons or agencies:

(1) Governor; Lt. Governor; Members of the General Assembly; Secretary of Public Safety, Law Enforcement Officers; Members of the Judiciary; Probation Officers; Governmental Agencies when required for their official duties.

(2) Other non-governmental agencies, firms or persons which the Division determines has the right to know, for professional or business use only, information from such records through manual or telecommunication methods; other persons as approved by the Director; persons requesting their own records.

(b) Persons other than those named in subsection (a) of this section shall personally appear and present evidence of identification satisfactory to the Division and shall state the purpose for which the information is being sought. Such information shall not be available by telephone or methods of request other than by personal appearance unless approved by the Director or his designee. The official or agent of the Division allowing the inspection of the record or copy of the record shall make a record of the inspection or copy showing the name and address of the person making the request, the agency which the requestor represents, the date of the inspection of the record, the information provided, and the purpose for which the information was sought. A request identifying any vehicle owner from the registration plate shall be specifically noted. This record shall be maintained by the Division for a period not to exceed six (6) months.

(c) A person may submit a request to the Division that his or her name and address contained in the driver or vehicle records of the Division be excluded from any lists compiled and sold or otherwise supplied by the Division for direct mail advertising purposes. This exclusion shall be honored by the Division and shall remain in effect until the Division receives notice from the person to cancel the request or until the record is purged from the Division's files."

Section 2. Amend Section 305, Chapter 3, Title 21 of the Delaware Code by adding the following sentence at the end of subsection (d):

"Regardless of the provisions of subsection (a) of this section, law enforcement officers and judiciary may have access to those records which are over 3 years old and are being retained by the Division."

Section 3. Amend Section 305, Chapter 3, Title 21 of the Delaware Code by striking the words and symbols "(b) and (c)(1), (c)(2), (c)(3), (c)(4) and (c)(6)" as they appear in subsection (e) and insert in lieu thereof the words and symbols "(a)(1)".

Section 4. Further amend Section 305, Chapter 3, Title 21 of the Delaware Code by adding the following sentence at the end of subsection (e):

"If a notarized affidavit is requested in addition to the record being furnished, the fee for such notarized affidavit and record shall be $8."

Section 5. This Act shall become effective 90 days after its enactment into law.

Approved July 15, 1991.

CHAPTER 171

FORMERLY

HOUSE BILL NO. 171
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 83, TITLE 29, CHAPTERS 1, 11, 13, 19, 20, 23, 29, 51, 52, 54 AND 55, TITLE 30, CHAPTER 11 OF TITLE 5, CHAPTER 5 OF TITLE 8 AND CHAPTERS 7, 53, 55, 61, 63 AND 64 OF TITLE 18 OF THE DELAWARE CODE RELATING TO TAX PREFERENCES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Paragraph (6), §8305, Chapter 83, Title 29 of the Delaware Code by striking the words "On or before November 15, biennially", as they appear therein, and substitute in lieu thereof the words "Once every five years, on or before November 15,"

Section 2. Amend §8305, Chapter 83, Title 29 of the Delaware Code by adding thereto a new paragraph (7) to read as follows:

"(7) Notwithstanding the provisions of paragraph (6) of this Section, whenever there shall be enacted:

a. in the case of the personal income tax, a modification, as that term is used in §1105 of Title 30, to be used in determining taxable income, or adjustments to federal itemized deductions to be used in the computation contained in §1109(a), Title 30; or

b. in the case of corporation income tax, adjustments to federal taxable income under §1903(a), Title 30, or allocation provisions under §1903(b), Title 30; then, on or before November 15 following such enactment, the Division of Revenue, under the supervision of the Secretary of Finance, shall make a report to the Governor and the General Assembly concerning such provision. The report shall include the components described in paragraph (6)(b) of this Section."

Section 3. Amend §8305, Chapter 83, Title 29 of the Delaware Code by striking the first sentence of subparagraph b., paragraph (6) in its entirety, and substituting in lieu thereof, the following:

"The taxes to be reviewed in the report shall be tax preferences created under provisions of the Delaware Code, rather than tax preferences created by operation of the Internal Revenue Code of the United States, and shall include, but need not be limited to, the personal income tax, corporate income tax, motor fuel taxes and public utility taxes."

Section 4. Amend Chapter 1, Title 30 of the Delaware Code by adding thereto a new §105 to read as follows:

"§105. Sunset repeal of tax preferences.

The following Delaware tax preference sections, subsections, and/or paragraphs of the Delaware Code or successor provisions shall be repealed, or, where so indicated, amended for tax periods beginning after December 31, 1995 and each fifth January 1 commencing January 1, 2001, unless continued, extended, or reenacted by act of the General Assembly without any amendment that would increase or decrease the amount or application of the preference:

(1) Low Income Elderly Exclusion

30 Del. C. §1106(b)(2);

(2) Exclusion Of Pension Income

30 Del. C. §1106(b)(3);

(3) Exclusion Of Taxable Social Security Benefits

30 Del. C. §1106(b)(4);

(4) Additional Standard Deduction For The Blind Or Persons Age 65 Or Over

30 Del. C. §1108(b);

(5) Charitable Mileage Deduction

30 Del. C. §1109(a)(2)a;

(6) Deduction Of Foreign Tax Paid - Personal

30 Del. C. §1109(a) (Amend by striking the phrase '(including the deduction for foreign taxes paid.)' as it appears in said subsection.);

(7) Deduction Of Health Insurance Costs Paid By Self-Employed Persons

30 Del. C. §1109(a)(2)b;

(8) Additional Personal Exemption For Persons Age 60 And Over

30 Del. C. §1110 (Amend by striking the sentence 'Resident persons age 60 or over shall be allowed one additional personal exemption of $1,250.');

(9) Volunteer Firefighters' Credit

30 Del. C. §1113;

(10) Child Care Expense Credit

30 Del. C. §1114;

(11) Military Action Exemption

30 Del. C. §1204;

(12) Deductions For Foreign Dividends, Interest And Royalties - Corporate

30 Del. C. §1903(a)(2);

(13) Handicapped Accessibility Deduction

30 Del. C. §1903(a)(7);

(14) Deduction Of Interest From Affiliated Companies

30 Del. C. §1903(a)(3) (Amend by striking the phrase ' and interest income (including discount) arising from obligations representing advances, loans or contractual transactions between corporations which are eligible to file a consolidated return for federal income tax purposes and which are subject to taxation under this chapter, if the paying corporation eliminates such interest (including discount) in determining its entire net income');

(15) *Neighborhood Assistance Deduction - Corporate*

30 Del. C. §§2001-2006;

(16) New Business Facilities Credit

30 Del. C. §§2010 through 2022;

(17) Travelink Program

30 Del. C. §§1903 through 2035;

(18) Allocation Of Corporate Income

30 Del. C. §1903(b)(1) through (5);

(19) Exemption Of Investment Holding Companies

30 Del. C. §1902(b)(8);

(20) Exemption Of Foreign Sales Service Corporations

30 Del. C. §1902(b)(12);

(21) Motor Fuel Tax Exemptions

30 Del. C. §5111(a)(5);

(22) Motor Fuel Tax Refunds

30 Del. C. §5120;

(23) Special Fuel Tax Exemptions

30 Del. C. §5133(a)(3);

(24) Exemption Of Fuel Used In Certain Vehicles

30 Del. C. §5224(b) through (d);

(25) Public Utility Tax Rebates

30 Del. C. §5507;

(26) Exemptions From Public Utility Tax

30 Del. C. §5506(a) and (c) and (e) through (g);

(27) Gross Receipts, Exemption Of Automobile Dealers

30 Del. C. §2908(b);

(28) Gross Receipts, Exemption Of Agricultural Items

30 Del. C. §2908(a);

(29) Gross Receipts, Exemption Of Retailers Of Alcoholic Beverages

30 Del. C. §2908(c);

(30) Gross Receipts, Exemption Of Artists, Elderly Handicapped Peddlers, And Persons 65 And Over

30 Del. C. §2908(e) through (g);

(31) Gross Receipts, Exemption Of Foreign Sales Corporations And Export Trading Companies

30 Del. C. §2301(q)-(r);

(32) Gross Receipts, Exemption Of Charitable, Banking, Religious, Civil, Educational, NonProfit, Etc. Organizations

30 Del. C. §2301(h) through (p);

(33) Gross Receipts, Credits For Investment And Employment In Targeted Industries And Areas

30 Del. C. §2011 - 2022;

(34) Exemption From Tobacco Tax Of Sales To Veteran's Organizations and Patients in V.A. Hospitals

30 Del. C. Chapter 53, §5305(d)(1)-(2);

(35) Exemption Of Remics

30 Del. C. §2301(s);

(36) Inheritance Tax Charitable, Etc., Deductions

30 Del. C. §1313;

(37) Inheritance Tax - Special Valuation

30 Del. C. Code §1314;

(38) Inheritance Tax Unlimited Deduction For Surviving Spouse

30 Del. C. §1323(b);

(39) Bank Franchise Tax Deduction of Non-United States Branch Income

5 Del. C. §1101(a)(1)c;

(40) Bank Franchise Tax Deduction Of International Banking Transactions

5 Del. C. §1101(a)(1)d;

(41) Bank Franchise Tax Deduction Of International Banking Facilities

5 Del. C. §1101(a)(1)e;

(42) Bank Franchise Tax Deduction Of Interest Income Received From Volunteer Fire Company Obligations

5 Del. C. §1101(a)(1)f;

(43) Realty Transfer Tax Exemption Of Corporations Under The Slum Clearance And Redevelopment Authority Law

30 Del. C. §5401(1)d;

(44) Realty Transfer Tax Exemption Of Conveyances From NonProfit Industrial Development Agencies To Industrial Corporations

30 Del. C. §5401(1)e;

(45) Realty Transfer Tax Exemption Of Conveyances To Industrial Development Agencies

30 Del. C. §5401(1)f;

(46) Realty Transfer Tax Exemption Of Conveyances Between Parent And Child

30 Del. C. §5401(1)i;

(47) Realty Transfer Tax Exemption Of Residential Premises Taken As Consideration By Builders

30 Del. C. §5401(1)o;

(48) Realty Transfer Tax Exemption Of Conveyances To Religious Organizations

30 Del. C. §5401(1)q;

(49) Realty Transfer Tax Exemption Of Conveyances To Or From A Volunteer Fire Company

30 Del. C. §5401(1)r;

(50) Realty Transfer Tax Exemption Of Conveyances With Value Of Less Than $100

30 Del. C. §5402(b);

(51) Realty Transfer Tax Conveyance Of Mobile Homes

30 Del. C. §5401(1)s;

(52) Realty Transfer Tax Conveyances To Charitable Organizations

30 Del. C. §5401(1)t;

(53) Corporate Franchise Tax Ceiling

8 Del. C. §503(c) (Amend by striking the phrase 'more than $130,000, nor');

(54) Franchise Tax Exempt Corporations

8 Del. C. §501 (Amend by striking the phrase or any corporation for drainage and reclamation of lowlands, or religious corporation, or purely charitable or educational association, or any company, association or society, which, by its certificate of incorporation, shall have for its object the assistance of the sick, needy or disabled members, or the defraying of funeral expenses of deceased members, or to provide for the wants of the widows and families after death of its members.');

(55) Franchise Tax Relief For Corporations With Assets In Unfriendly Nations

8 Del. C. §518;

(56) Franchise Tax Regulated Investment Companies Using Average Gross Assets Methods

8 Del. C. §503(h);

(57) Exemption From Public Accommodations Tax Of Tourist Homes With Cooking Facilities

30 Del. C. §6101(3) (Amend by striking the phrase 'but which does not have cooking facilities for the use of tourists or transient guests);

(58) Insurance Tax Exemption Of Mutual Assessment Property Insurers

18 Del. C. §5306 (Amend by adding at the end of subsection (b) a new paragraph (13): '(13) Chapter 7 (Taxation)';

(59) Insurance Tax Exemption Of Mutual Benefit Associations

18 Del. C. §5520;

(60) Insurance Tax Exemption Of Fraternal Benefit Societies

18 Del. C. §6140;

(61) Insurance Tax Exemption Of Health Maintenance Organizations

18 Del. C. §6406 (Amend by adding at the end of said section a new subsection (18): '(18) Chapter 7 (Taxation)';

(62) Insurance Tax Exemption Of Health Service Organizations

18 Del. C. §6309 (Amend by adding a new subsection (8): '(8) Chapter 7 (Taxation)';

(63) Insurance Tax Exclusion Of Considerations Received For Annuity Contracts

18 Del. C. §702(a)

(Amend by striking the last sentence of said subsection.)."

Section 5. This Act shall be effective upon enactment into law. The first report under Section 1 of this act shall be due on or before November 15, 1994. The first report under Section 2 of this act shall be due on or before November 15, 1991, with regard to enactments after January 1, 1990.

Approved July 15, 1991.

CHAPTER 172

FORMERLY

HOUSE BILL NO. 244

AN ACT TO AMEND CHAPTER 84, TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE POLICE TRAINING PROGRAM.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend subparagraph (8)a., §8401, Chapter 84, Title 11 of the Delaware Code by inserting between the words "include" and "officers" the following:

> "permanent full-time law enforcement officers of the Department of Natural Resources and Environmental Control and"

Section 2. Amend subparagraph (8)b.2., §8401, Chapter 84, Title 11 of the Delaware Code by striking said subparagraph and substituting in lieu thereof a new subparagraph to read as follows:

> "2. A security force for a state agency or other governmental unit; or, a seasonal, temporary or part-time law enforcement officer of the Department of Natural Resources and Environmental Control."

Approved July 15, 1991.

CHAPTER 173

FORMERLY

SENATE BILL NO. 107
AS AMENDED BY SENATE AMENDMENT NOS. 1 AND 2
AND HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 5, TITLE 19 OF THE DELAWARE CODE RELATING TO CHILD LABOR.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 5, Title 19 of the Delaware Code, by striking said chapter in its entirety and substituting in lieu thereof the following:

"Chapter 5. Child Labor

§501. Applicability of Chapter

This chapter shall apply to any place, establishment or occupation within this State where work is done for compensation of any kind, to whomever payable, except as otherwise specified in this chapter.

Nothing in this chapter shall prevent children of any age from receiving industrial education furnished by the United States, the State of Delaware or any city or town in the State, which is duly approved by a school board or committee or other duly constituted public authority.

Nothing in this chapter shall prevent children of any age from performing nonhazardous work as ordered by the Family Court as a condition of probation.

§502. Definitions

As used in this chapter, the following words have the meanings indicated:

(a) 'Minor' means a person under the age of 18 years;

(b) 'Employ', 'employed', or 'employment' means to suffer or permit to work but does not include:

(1) Farm work performed on a farm in a nonhazardous occupation;

(2) Domestic work performed in or about a private home;

(3) Work performed in a business owned by a parent or one legally standing in the place of a parent in a nonhazardous occupation;

(4) Work performed by nonpaid volunteers in a charitable or non profit organization with the written consent of a parent or one legally standing in the place of a parent;

(5) Caddying on a golf course;

(6) Delivery of newspapers to the consumer;

(7) Employment of a graduate of an accredited school who is employed in a hazardous occupation in which a course of study has been completed but only to the extent that said hazardous occupation would otherwise be prohibited;

(8) Hazardous work performed by nonpaid volunteers of a volunteer fire department or company or volunteer rescue squad who have completed or are taking a course of study relating to fire fighting or rescue and who are 14 years of age or older; or

(9) Any child over the age of 14 years who may be employed, permitted or suffered to work in any nonhazardous occupation in any facility used for the purpose of canning or preserving, or preparation for canning or preserving, perishable fruits and vegetables.

With respect to paragraphs (8) and (9), the burden of proving a child's age to be 14 years or over shall be on the employer, who shall be required by the Department of Labor to present documentary proof of the child's age.

(c) 'Hazardous occupation' means an occupation declared to be dangerous by this chapter, by the Secretary of Labor of the State of Delaware, or by the Secretary of Labor of the United States pursuant to the provisions of the Fair Labor Standards Act.

(d) 'Secretary' means the Secretary of Labor for the State of Delaware or his/her authorized representative.

(e) 'Department' or 'Department of Labor' means the Department of Labor of the State of Delaware.

§503. Powers and Duties of Secretary

(a) The Secretary or his/her authorized representative shall enforce the provisions of this chapter.

(b) The Secretary or his/her authorized representative may enter and inspect, during reasonable business hours, any place of employment and may examine the employment records of any employee and question any employee for the purpose of enforcing the provisions of this chapter.

(c) The Secretary or his/her designee may hold public hearings to determine if additional occupations exist in which employment of minors should be prohibited.

(d) In the event of an emergency or major disaster, the Secretary is authorized, with the consent of the Governor, to suspend temporarily the enforcement of any or all of the provisions of this chapter for the duration of the emergency or major disaster.

§504. Employment Certificates

(a) A minor shall not engage in employment unless the employer has in his/her possession a verified and validated employment certificate for the minor. The employer shall keep the certificate on file at all times and make it accessible to the Department of Labor upon request.

(b) The superintendent of each school district or his/her authorized designee and the Department of Labor shall issue work permits as prescribed by the Secretary. The person designated to do so by each superintendent shall be an employee employed by the school on a twelve month or complete calendar year basis. If the superintendent of a school district fails or refuses to designate some person to issue employment certificates, the Director of the Division of Industrial Affairs shall designate some person to so act. Any designation may be revoked by the Director of the Division of Industrial Affairs at his/her pleasure.

The Labor Law Enforcement Section of the Department of Labor shall keep a record of all persons who are duly authorized to issue certificates in the various school districts of the State.

(c) The age of a minor shall be verified by a certified copy of a birth certificate, baptismal certificate (showing the date of birth), school record, passport, valid driver's license, or any official government document attesting to the age of the minor.

§505. Minors under fourteen years of age

A minor under the age of 14 years shall not be employed or permitted to work.

§506. Minors under sixteen years of age

(a) A minor under 16 years of age shall not be employed or permitted to work in, about, or in connection with:

(1) Any employment during the prescribed school day;

(2) Any occupation prohibited by the United States Secretary of Labor pursuant to the provisions of the Fair Labor Standards Act;

(3) The operation, cleaning, or adjusting of any power-driven machinery, appliances, or tools, other than office machinery and food or beverage dispensing machines where the moving parts are not exposed to the operator;

(4) Meat slicers;

(5) Deep fat fryers;

(6) Steamers and pressure cookers used in the preparation of food;

(7) Boilers;

(8) Stripping and sorting tobacco;

(9) Construction or demolition projects;

(10) Tunnels or excavations;

(11) Mines, quarries, or borrow pits;

(12) Coal breakers or coke ovens; or

(13) Any other occupation which, following a public hearing by the Department of Labor, the Secretary deems to be injurious to the health, safety, welfare, or morals of the minor.

(b) Subsection (a)(1) shall not apply to a minor who has been excused from public school attendance by the public school authorities.

(c) Subsection (a) shall not apply to a minor:

(1) who is enrolled in a work-study, student-learner, or similar program where the employment is an integral part of the course of study, and the employment is procured and supervised by the school district; or

(2) engaged in the practice of farm labor with adult supervision.

(d) A minor under 16 years of age shall not be employed or permitted to work more than:

(1) Four hours on any day when school is in session;

(2) Eight hours on any day when school is not in session;

(3) Eighteen hours in any week when school is in session for five days;

(4) Forty hours in any week when school is not in session; and

(5) Six days in any week.

(e) A minor under 16 years of age shall not be employed or permitted to work before 7:00 a.m. or after 7:00 p.m.; except that a minor under 16 years of age may be employed or permitted to work until 9:00 p.m. during the period each year from June 1 through Labor Day.

(f) The hours worked by a minor enrolled in a bona fide work-study or student-learner program when school is normally in session shall not be counted towards the permissible hours of work prescribed in subsection (d) of this section.

§507. Minors under 18 years of age

(a) A minor under 18 years of age shall not be employed or permitted to work in, about, or in connection with:

(1) Any occupation prohibited by the United States Secretary of Labor pursuant to the provisions of the Fair Labor Standards Act;

(2) Blast furnaces;

(3) Docks or wharves, other than marinas where pleasure boats are sold or serviced;

(4) Railroads;

(5) The erection and/or repair of electrical wires;

(6) Distilleries where alcoholic beverages are manufactured, bottled, labelled, wrapped, or packaged;

(7) The manufacturing of dangerous or toxic chemicals or compounds;

(8) Any other occupation which the Secretary deems injurious to the health, safety, welfare or morals of the minor;

(9) Any occupation as a pilot, fireman, or engineer on any vessel or boat engaged in commerce; or

(10) Any occupation as a messenger for a telegraph, telephone or messenger company in the distribution, delivery, collection, or transmission of goods or messages before 6:00 a.m. or after 10:00 p.m. of any day in any town or city having a population of over 20,000 persons.

(b) Subsection (a) of this section shall not apply to a minor under 18 years of age who is enrolled in a work-study, student-learner, apprenticeship, or similar program where the employment is an integral part of the course of study, and the employment is procured and supervised by the school system or by a federal or state monitored apprenticeship program.

(c) A minor under 18 years of age shall not spend more than twelve hours in a combination of school hours and work hours per day.

(d) A minor under 18 years of age shall have at least eight consecutive hours of nonwork, nonschool time each 24 hours day.

(e) A minor under 18 years of age shall not be employed or permitted to work more than five hours continuously without a nonworking period of at least one-half hour.

§508. Special Permit for Model, Performer or Entertainer

(a) Except as provided in subsection (b) of this section, no child under 16 years of age shall be employed, permitted or suffered to work for compensation of any kind as a model, performer or entertainer upon the stage of any theater or concert hall or in connection with any theatrical performance or other exhibition or show.

(b) The Department of Labor may issue a permit allowing a child under the age of 16 years to be employed as a model, performer or entertainer for a limited period, when, in its opinion, such permit is justified by the evidence presented to it.

§509. Interference with Department of Labor; employment of minor in violation of this chapter

(a) It is unlawful to interfere with or hinder the Department of Labor in the performance of its duties under this chapter, or knowingly to give false information to the Department of Labor. Any person who is found to have violated the provisions of this subsection shall be guilty of a misdemeanor and upon conviction is subject to a fine of not more than $1,000 or imprisonment for not more than 90 days or both.

(b) Any employer who employs or permits a minor to work in violation of any provision of this chapter is guilty of a misdemeanor and upon

conviction is subject to a fine of not more than $10,000 or imprisonment for not more than one year or both.

(c) Any employer who discharges or in any manner discriminates against an employee because that employee has made a complaint or has given information to the Department pursuant to this chapter, or because he has caused to be instituted or is about to cause to be instituted any proceeding under this chapter, or has testified or is about to testify in any such proceedings shall be deemed in violation of this chapter and shall, upon conviction, be fined not more than $1,000 for each such violation.

§510. Jurisdiction

Notwithstanding anything in Title 10 to the contrary, Court of Common Pleas shall have jurisdiction over violations of this Chapter."

Approved July 16, 1991.

CHAPTER 174

FORMERLY

HOUSE BILL NO. 247
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 60, TITLE 7 OF THE DELAWARE CODE TO REQUIRE LABELING OF CERTAIN PLASTIC PRODUCTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 60, Title 7 of the Delaware Code by adding a new Subchapter V to read as follows:

"Subchapter V. Labeling of Plastic Products.

§6080. Findings; intent.

(a) The General Assembly finds that:

(1) Recycling of waste materials is preferable to incinerating or landfilling those materials because recycling conserves valuable resources, saves energy in the manufacturing process, and extends the life of disposal facilities;

(2) Increased recycling is necessary in Delaware to meet the EPA's national goal of a 25% reduction of the solid waste stream;

(3) Plastics have been shown to be recyclable;

(4) One of the barriers to increased recycling of plastics is the necessity of keeping the various types of plastic separate based on the resin from which they are made; and

(5) The Society of the Plastics Industry, Inc., has devised a coding system that can be used to label plastic containers so as to identify the type of resin from which they are made.

(b) It is the intent of the Legislature to facilitate the recycling of plastic containers by requiring that these containers be labeled according to resin type.

§6081. Definitions.

As used in this Act, unless otherwise indicated:

(1) 'Container' means a 'rigid plastic container' or a 'plastic bottle' as those terms are defined in this section.

(2) 'Department' means the Department of Natural Resources and Environmental Control.

(3) 'Label' means a molded, imprinted, or raised symbol on or near the bottom of a rigid plastic container or plastic bottle

(4) 'Person' means any individual, trust, firm, joint stock company, federal agency, partnership, corporation (including a government corporation), association, state, municipality, commission, political subdivision of a state, or any interstate body.

(5) 'Plastic' means any material made of polymeric organic compounds and additives that can be shaped by flow.

(6) 'Plastic bottle' means a plastic container intended for single use that has a neck that is smaller than the body of the container; accepts a screw-type cap, snap cap, or other closure; and has a capacity of 16 fluid ounces or more, but less than five gallons.

(7) 'Rigid plastic container' means any formed or molded container, other than a bottle, intended for single use, composed predominantly

of plastic resin, and having a relatively inflexible finite shape or form with a capacity of 8 ounces or more but less than five gallons.

(8) 'Secretary' means the Secretary of the Department of Natural Resources and Environmental Control.

§6082. Labeling.

(a) On or after July 1, 1992, no person shall distribute, sell, or offer for sale in this state any plastic bottle or rigid plastic container unless such container is labeled with a code identifying the appropriate resin type used to produce the structure of the container. The code shall consist of a number placed within three triangulated arrows and a letter placed below the triangle of arrows. The triangulated arrows shall be equilateral, formed by three arrows with the apex of each point of the triangle at the midpoint of each arrow, rounded with a short radius. The pointer (arrowhead) of each arrow shall be at the midpoint of each side of the triangle with a short gap separating the pointer from the base of the adjacent arrow. The triangle, formed by the three arrows curved at their midpoints, shall depict a clockwise path around the code number. The numbers and letters used shall be as follows:

1 = PETE (polyethylene threphthalate)

2 = HDPE (high density polyethylene)

3 = V (vinyl)

4 = LDPE (low density polyethylene)

5 = PP (polypropylene)

6 = PS (polystyrene)

7 = OTHER

(b) The Department shall maintain a list of the label codes provided in subsection (a) and shall provide a copy of the list to any person upon request.

(c) The provisions of this section and any rules or regulations adopted hereunder shall be interpreted to conform with nationwide plastics industry standards.

§6083. Penalty; enforcement.

(a) Any person who violates this subchapter or any rule or regulation duly promulgated thereunder or any order of the Secretary issued pursuant to this subchapter shall be punishable as follows:

(1) If a violation has been completed, by a civil penalty imposed by the Justice of the Peace Court of not less than $250 nor more than $1000 for each completed violation. The Secretary may also seek a permanent or preliminary injunction or temporary restraining order in the Court of Chancery.

(2) If a violation is continuing, the Secretary may seek a monetary penalty as provided in paragraph (1) of this subsection. If a violation is continuing or is threatened, the Secretary may also seek a temporary restraining order or permanent injunction in the Court of Chancery.

(b) The Secretary shall have the authority to enforce this subchapter."

Approved July 16, 1991.

CHAPTER 175

FORMERLY

HOUSE BILL NO. 288
AS AMENDED BY HOUSE AMENDMENT NO. 3

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO HEALTH INSURANCE SOLD TO CERTAIN GROUPS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 18, Delaware Code by creating a new Chapter 72 as follows:

"Chapter 72. Small Employer Health Insurance

§7201. Purpose

The intent of this Chapter is to promote the availability of health insurance coverage to small employers, to prevent abusive rating practices, to require disclosure of rating practices to purchasers, to establish rules for continuity of coverage for employers and covered individuals, and to improve the efficiency and fairness of the small group health insurance marketplace.

§7202. Definitions

(a) "Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Commissioner that a small employer carrier is in compliance with the provisions of §7204 of this Chapter, based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods utilized by the carrier in establishing premium rates for applicable health benefit plans.

(b) "Based premium rate" means, for each class of business as to a rating period, the lowest premium rate charged or which could have been charged under a rating system for that class of business, by the small employer carrier to small employers with similar case characteristics for health benefit plans with the same or similar coverage.

(c) "Carrier" means any person who provides health insurance in this State. For the purposes of this Chapter, carrier includes a licensed insurance company, a health service corporation under chapter 63 of this title, a health maintenance organization, a multiple employer welfare arrangement or any other person providing a plan of health insurance subject to state insurance regulation.

(d) "Case characteristics" mean demographic or other relevant characteristics of a small employer, as determined by a small employer carrier, which are considered by the carrier in the determination of premium rates for the small employer. Claim experience, health status and duration of coverage since issue are not case characteristics for the purposes of this Chapter.

(e) "Class of business" means all or a distinct grouping of small employers as shown on the records of the small employer carrier.

(1) A distinct grouping may only be established by the small employer carrier on the basis that the applicable health benefit plans:

(A) Are marketed and sold through individuals and organizations which are not participating in the marketing or sale of other distinct groupings of small employers for such small employer carrier;

(B) Have been acquired from another small employer carrier as a distinct grouping of plans;

(C) Are provided through an association with membership of not less than 25 small employers which has been formed for purposes other than obtaining insurance; or

(D) Are in a class of business that meets the requirements for exception to the restrictions related to premium rates provided in Subsection §7204(a)(1)(A) of this chapter.

(2) A small employer carrier may establish no more than two (2) additional groupings under each of the subparagraphs in Paragraph (1) on the basis of underwriting criteria which are expected to produce substantial variation in the health care costs.

(3) The Commissioner may approve the establishment of additional distinct groupings upon application to the Commissioner and a finding by the Commissioner that such action would enhance the efficiency and fairness of the small employer insurance marketplace.

(f) "Commissioner" means the Commissioner of Insurance.

(g) "Department" means the Insurance Department.

(h) "Health benefit plan" or "plan" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health service corporation member subscriber contract and health maintenance organization subscriber contract. Health benefit plan does not include accident-only, credit, dental or disability income insurance; coverage issued as a supplement to liability insurance; worker's compensation or similar insurance; or automobile medical-payment insurance.

(i) "Index rate" means for each class of business for small employers with similar case characteristics the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

(j) "New business premium rate" means, for each class of business as to a rating period, the premium rate charged or offered by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(k) "Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect, as determined by the small employer carrier.

(l) "Small employer" means any person, firm, corporation, partnership or association actively engaged in business who, on at least fifty percent (50%) of its working days during the preceding year, employed at least two (2) but no more than twenty-five (25) eligible employees. In determining the number of eligible employees, companies which are affiliated companies or which are eligible to file a combined tax return for purposes of state taxation shall be considered one employer.

(m) "Small employer carrier" means any carrier which offers health benefit plans covering the employees of a small employer.

§7203. Health Insurance Plans Subject to this Chapter

(a) Except as provided in subsection (b) of this section, the provisions of this Chapter apply to any health benefit plan which provides coverage to one or more employees of a small employer.

(b) The provisions of this Chapter shall not apply to individual health insurance policies which are subject to policy form as provided in Chapter 36 of this Title.

§7204. Restrictions Relating to Premium Rates

(a) Premium rates for health benefit plans subject to this Chapter shall be subject to the following provisions:

(1) The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than twenty percent (20%).

(2) Paragraph (1) of this subsection shall not apply to a class of business if all of the following apply:

(A) The class of business is one for which the carrier does not reject, and never has rejected, small employers included within the definition of employers eligible for the class of business or otherwise eligible employees and dependents who enroll on a timely basis, based upon their claim experience or health status;

(B) The carrier does not involuntarily transfer, and never has involuntarily transferred, a health benefit plan into or out of the class of business; and

(C) The class of business is currently available for purchase.

(3) For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates which could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than twenty-five percent (25%) of the index rate.

(4) The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(A) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a class of business for which the small employer carrier is not issuing new policies, the carrier shall use the percentage change in the base premium rate;

(B) An adjustment, not to exceed fifteen percent (15%) annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the carrier's rate manual for the class of business; and

(C) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the carrier's rate manual for the class of business.

(5) In the case of health benefit plans issued prior to the effective date of this Chapter, a premium rate for a rating period may exceed the ranges described in paragraph (1) or (3) of this subsection for a period of five (5) years following the effective date of this Chapter. In that case, the percentage increase in the premium rate charged to a small employer in such a class of business for a new rating period may not exceed the sum of the following:

(A) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a class of business for which the small employer carrier is not issuing new policies, the carrier shall use the percentage change in the base premium rate; and

(B) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the carrier's rate manual for the class of business.

(b) Nothing in this section is intended to affect the use by a small employer carrier of legitimate rating factors other than claim experience, health status or duration of coverage in the determination of premium rates. Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business.

(c) A small employer carrier shall not involuntarily transfer a small employer into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration since issue.

§7205. Provisions on Renewability of Coverage

(D) Are in a class of business that meets the requirements for exception to the restrictions related to premium rates provided in Subsection §7204(a)(1)(A) of this chapter.

(2) A small employer carrier may establish no more than two (2) additional groupings under each of the subparagraphs in Paragraph (1) on the basis of underwriting criteria which are expected to produce substantial variation in the health care costs.

(3) The Commissioner may approve the establishment of additional distinct groupings upon application to the Commissioner and a finding by the Commissioner that such action would enhance the efficiency and fairness of the small employer insurance marketplace.

(f) "Commissioner" means the Commissioner of Insurance.

(g) "Department" means the Insurance Department.

(h) "Health benefit plan" or "plan" means any hospital or medical expense incurred policy or certificate, hospital or medical service plan contract, or health service corporation member subscriber contract and health maintenance organization subscriber contract. Health benefit plan does not include accident-only, credit, dental or disability income insurance; coverage issued as a supplement to liability insurance; worker's compensation or similar insurance; or automobile medical-payment insurance.

(i) "Index rate" means for each class of business for small employers with similar case characteristics the arithmetic average of the applicable base premium rate and the corresponding highest premium rate.

(j) "New business premium rate" means, for each class of business as to a rating period, the premium rate charged or offered by the small employer carrier to small employers with similar case characteristics for newly issued health benefit plans with the same or similar coverage.

(k) "Rating period" means the calendar period for which premium rates established by a small employer carrier are assumed to be in effect, as determined by the small employer carrier.

(l) "Small employer" means any person, firm, corporation, partnership or association actively engaged in business who, on at least fifty percent (50%) of its working days during the preceding year, employed at least two (2) but no more than twenty-five (25) eligible employees. In determining the number of eligible employees, companies which are affiliated companies or which are eligible to file a combined tax return for purposes of state taxation shall be considered one employer.

(m) "Small employer carrier" means any carrier which offers health benefit plans covering the employees of a small employer.

§7203. Health Insurance Plans Subject to this Chapter

(a) Except as provided in subsection (b) of this section, the provisions of this Chapter apply to any health benefit plan which provides coverage to one or more employees of a small employer.

(b) The provisions of this Chapter shall not apply to individual health insurance policies which are subject to policy form as provided in Chapter 36 of this Title.

§7204. Restrictions Relating to Premium Rates

(a) Premium rates for health benefit plans subject to this Chapter shall be subject to the following provisions:

(1) The index rate for a rating period for any class of business shall not exceed the index rate for any other class of business by more than twenty percent (20%).

(2) Paragraph (1) of this subsection shall not apply to a class of business if all of the following apply:

(A) The class of business is one for which the carrier does not reject, and never has rejected, small employers included within the definition of employers eligible for the class of business or otherwise eligible employees and dependents who enroll on a timely basis, based upon their claim experience or health status;

(B) The carrier does not involuntarily transfer, and never has involuntarily transferred, a health benefit plan into or out of the class of business; and

(C) The class of business is currently available for purchase.

(3) For a class of business, the premium rates charged during a rating period to small employers with similar case characteristics for the same or similar coverage, or the rates which could be charged to such employers under the rating system for that class of business, shall not vary from the index rate by more than twenty-five percent (25%) of the index rate.

(4) The percentage increase in the premium rate charged to a small employer for a new rating period may not exceed the sum of the following:

(A) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a class of business for which the small employer carrier is not issuing new policies, the carrier shall use the percentage change in the base premium rate;

(B) An adjustment, not to exceed fifteen percent (15%) annually and adjusted pro rata for rating periods of less than one year, due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer as determined from the carrier's rate manual for the class of business; and

(C) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the carrier's rate manual for the class of business.

(5) In the case of health benefit plans issued prior to the effective date of this Chapter, a premium rate for a rating period may exceed the ranges described in paragraph (1) or (3) of this subsection for a period of five (5) years following the effective date of this Chapter. In that case, the percentage increase in the premium rate charged to a small employer in such a class of business for a new rating period may not exceed the sum of the following:

(A) The percentage change in the new business premium rate measured from the first day of the prior rating period to the first day of the new rating period. In the case of a class of business for which the small employer carrier is not issuing new policies, the carrier shall use the percentage change in the base premium rate; and

(B) Any adjustment due to change in coverage or change in the case characteristics of the small employer as determined from the carrier's rate manual for the class of business.

(b) Nothing in this section is intended to affect the use by a small employer carrier of legitimate rating factors other than claim experience, health status or duration of coverage in the determination of premium rates. Small employer carriers shall apply rating factors, including case characteristics, consistently with respect to all small employers in a class of business.

(c) A small employer carrier shall not involuntarily transfer a small employer into or out of a class of business. A small employer carrier shall not offer to transfer a small employer into or out of a class of business unless such offer is made to transfer all small employers in the class of business without regard to case characteristics, claim experience, health status or duration since issue.

§7205. Provisions on Renewability of Coverage

(a) Except as provided in subsection (b) of this section, a health benefit plan subject to this Chapter shall be renewable to all eligible employees and dependents at the option of the small employer, except for the following reasons:

(1) Nonpayment of required premiums;

(2) Fraud or misrepresentation of the small employer, or with respect to coverage of an insured individual, fraud or misrepresentation by the insured individual or such individual's representative;

(3) Noncompliance with plan provisions;

(4) The number of individuals covered under the plan is less than the number or percentage of eligible individuals required by percentage requirements under the plan, provided that if an employee presents satisfactory evidence that he or she has coverage through a spouse, such employee's non-participation in the plan shall not be counted towards a failure to meet such number or percentage requirement; or

(5) The small employer is no longer actively engaged in the business in which it was engaged on the effective date of the plan.

(b) A small employer carrier may cease to renew all plans under a class of business. The carrier shall provide notice to all affected health benefit plans and to the Commissioner in each state in which an affected insured individual is known to reside at least ninety (90) days prior to termination of coverage. A carrier which exercises its right to cease to renew all plans in a class of business shall not:

(1) Establish a new class of business for a period of five (5) years after the nonrenewal of the plans without prior approval of the Commissioner; or

(2) Transfer or otherwise provide coverage to any of the employers from the nonrenewed class of business unless the carrier offers to transfer or provide coverage to all affected employers and eligible employees and dependents without regard to case characteristics, claim experience, health status or duration of coverage.

§7206. Disclosure of Rating Practices and Renewability Provisions

Each small employer carrier shall make reasonable disclosure in solicitation and sales materials provided to small employers of the following:

(1) The extent to which premium rates for a specific small employer are established or adjusted due to the claim experience, health status or duration of coverage of the employees or dependents of the small employer;

(2) The provisions concerning the carrier's right to change premium rates and the factors, including case characteristics, which affect changes in premium rates;

(3) A description of the class of business in which the small employer is or will be included, including the applicable grouping of plans; and

(4) The provisions relating to renewability of coverage.

§7207. Maintenance of Records

(a) Each small employer carrier shall maintain at its principal place of business a complete and detailed description of its rating practices and renewal underwriting practices, including information and documentation which demonstrate that its rating methods and practices are based upon commonly accepted actuarial assumptions and are in accordance with sound actuarial principles.

(b) Each small employer carrier shall file each March 1 with the Commissioner an actuarial certification that the carrier is in compliance with this section and that the rating methods of the carrier are actuarially

sound. A copy of such certification shall be retained by the carrier at its principal place of business.

(c) A small employer carrier shall make the information and documentation described in subsection (a) of this section available to the Commissioner upon request. The information shall be considered proprietary and trade secret information and shall not be subject to disclosure by the Commissioner to persons outside of the Department except as agreed to by the carrier or as ordered by a court of competent jurisdiction.

§7208. Discretion of the Commissioner

The Commissioner may suspend all or any part of §7204 of this Chapter as to the premium rates applicable to one or more small employers for one or more rating periods upon a filing by the small employer carrier and a finding by the Commissioner that either the suspension is reasonable in light of the financial condition of the carrier or that the suspension would enhance the efficiency and fairness of the marketplace for small employer health insurance."

Section 2. This Act shall be effective January 1, 1992, or 6 months after enactment into law, whichever is later.

Section 3. Scope of the Act

The provisions of this Act shall apply to each health benefit plan for a small employer that is delivered, issued for delivery, renewed or continued in this state after the effective date of this Act. For purposes of this section, the date a plan is continued is the first rating period which commences after the effective date of this Act.

Section 4. Severability Clause

If any provision of this Act, or the application thereof to any person, thing or circumstances is held invalid, such invalidity shall not affect the provisions or application of this Act that can be given effect without the invalid provisions or application, and to this end the provisions of this Act are declared to be severable.

Approved July 16, 1991.

CHAPTER 176

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 307

AN ACT TO AMEND CHAPTER 55, TITLE 29, DELAWARE CODE, RELATING TO ATTACHMENT AND ASSIGNMENT OF STATE EMPLOYEES' PENSION PLAN BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5503, Chapter 55, Title 29, Delaware Code, by adding at the beginning of the section the phrase "Except for orders of the Delaware Family Court for a sum certain payable on a periodic basis".

Approved July 16, 1991.

CHAPTER 177

FORMERLY

HOUSE BILL NO. 345
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND CHAPTER 13, TITLE 18 OF THE DELAWARE CODE TO EXCLUDE DELAWARE INSURERS FROM APPLICATION OF FEDERAL INVESTMENT STANDARDS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 18, Delaware Code, Chapter 13, §1303 by adding a new subsection (d) as follows:

"(d). Except as provided in §1305(5) of this title, the limitations of this chapter shall apply to all investments described in §77r-1 of Title 15 of the United States Code.

Approved July 16, 1991.

CHAPTER 178

FORMERLY

HOUSE BILL NO. 358

AN ACT TO AMEND CHAPTER 52, TITLE 29, DELAWARE CODE RELATING TO HEALTH CARE INSURANCE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §5202(a), Chapter 52, Title 29, Delaware Code by striking said subsection in its entirety and substituting a new subsection "(a)" to read as follows:

"(a) The State shall pay premium or subscription charges for the following, whichever is greater:

(1) The full cost of a basic individual contract of health care insurance coverage for all regular officers and employees of the State not otherwise covered under a group health care insurance contract; or

(2) One hundred percent of the cost of the basic subscriber and child contract or basic family contract for eligible officers and employees not eligible for federal Medicare."

Section 2. Amend §5202, Chapter 52, Title 29, Delaware Code by redesignating current subsections "(b)" and "(c)" as new subsections "(c)" and "(d)" respectively.

Section 3. Amend §5202, Chapter 52, Title 29, Delaware Code by adding a new subsection "(b)" to read as follows:

"(b)

(1) For eligible pensioners who were first employed by the State on or before June 30, 1991 or who are receiving a disability pension, the State shall pay premium or subscription charges for the following, whichever is greater:

a. The full cost of a basic individual contract of health care insurance coverage for eligible pensioners of the State not otherwise covered under a group health care insurance contract; or

b. One hundred percent of the cost of the basic subscriber and child contract or basic family contract for eligible pensioners not eligible for federal Medicare; or

c. For eligible pensioners entitled to services, rights, or benefits under the federal Medicare program, 100% of the cost of a contract(s), standard contract(s) or special contract(s) of health insurance coverage selected by such pensioner which coverage may include coverage for such pensioners' eligible dependents.

(2) For eligible pensioners who were first employed by the State on or after July 1, 1991 except those receiving a disability pension, the State shall pay premium and subscription charges as follows:

a. For eligible pensioners employed by the State for at least 10 but less than 15 years at the time of retirement, 50% of premium or subscription charges as set forth in subsection (b)(1) of this section; or

b. For eligible pensioners employed by the State for at least 15 but less than 20 years at the time of retirement, 75% of the premium or subscription charges as set forth in subsection (b)(1) of this section; or

c. For eligible pensioners employed by the State for 20 or more years at the time of retirement, 100% of the premium or subscription charges as set forth in subsection (b)(1) of this section."

Section 4. This Act shall be effective July 1, 1991.

Approved July 16, 1991.

CHAPTER 179

FORMERLY

HOUSE BILL NO. 120

AN ACT TO AMEND CHAPTER 66, TITLE 18, DELAWARE CODE RELATING TO LINE-OF-DUTY DEATH BENEFITS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 6601, Chapter 66, Title 18, Delaware Code by adding a new subsection (1) (s) thereto to read as follows:

"s. Employees of the Division of Emergency Planning and Operations while traveling to, returning from, or while performing official duties associated with natural, man made, or technological emergencies, including all normal and special assignments."

Approved July 16, 1991.

CHAPTER 180

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 295

AN ACT TO AMEND TITLE 6, DELAWARE CODE RELATING TO CREDIT SERVICES ORGANIZATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Title 6, Delaware Code by creating a new Chapter 24 thereto to read as follows:

"Chapter 24. Credit Services Organizations

§2401. Definitions

In this chapter:

(1) 'Buyer' means an individual who is solicited to purchase or who purchases the services of a credit service organization.

(2) 'Consumer reporting agency' has the meaning assigned by Section 603(f), Fair Credit Reporting Act (15 U.S.C. Section 1681a(f)).

(3) 'Extension of credit' means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

(4) 'Retail seller' means a person engaged in the business of selling goods or furnishing services to a buyer.

§2402. Credit Services Organization

(a) A credit services organization is a person who with respect to the extension of credit by others and in return for the payment of money or other valuable consideration, provides, or represents that the person can or will provide, any of the following services:

(1) improving a buyer's credit record, history, or rating;

(2) obtaining an extension of credit for a buyer; or

(3) providing advice or assistance to a buyer with regard to Subsection (1) or (2) of this subsection.

(b) The following are exempt from this chapter:

(1) a person authorized to make loans or extensions of credit under the laws of this State or the United States who is subject to regulation and supervision by this State or the United States, or a lender approved by the United States Secretary of Housing and Urban Development for participation in a mortgage insurance program under the National Housing Act (12 U.S.C. Section 1701 et seq.);

(2) a bank or building/savings and loan association whose deposits or accounts are federally insured, or a subsidiary of such a bank or savings and loan association;

(3) a credit union doing business in this state;

(4) a person licensed under Chapter 22, Title 5 of the Delaware Code.

(5) a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986;

(6) a person licensed as a real estate broker or salesperson under Chapter 29, Title 24 of the Delaware Code acting within the course and scope of that license;

(7) a person licensed to practice law in this state acting within the course and scope of the person's practice as an attorney;

(8) a broker-dealer registered with the Securities and Exchange Commission or the Commodity Future Trading Commission acting within the course and scope of that regulation;

(9) a consumer reporting agency;

(10) mortgage loan or loan brokers who are not engaged in the other activities of credit services organizations as described in §2402(1) if this chapter; and

(11) a person licensed to practice public accounting in this state acting within the course and scope of the person's practice as an accountant.

§2403. Prohibited Conduct

A credit services organization, a salesperson, agent, or representative of a credit services organization, or an independent contractor who sells or attempts to sell the services of a credit services organization may not:

(1) charge a buyer or receive from a buyer money or other valuable consideration before completing performance of all services the credit services organization has agreed to perform for the buyer, unless the credit services organization has obtained in accordance with §2404 of this chapter a surety bond in the amount required by §2404(e) issued by a surety company authorized to do business in this State or established and maintained a surety account at a federally insured bank or savings and loan association located in this State in which the amount required by §2404(e) is held in trust as required by §2404(c);

(2) charge a buyer or receive from a buyer money or other valuable consideration solely for referral of the buyer to a retail seller who will or may extend credit to the buyer if the credit that is or will be extended to the buyer is substantially the same as that available to the general public;

(3) make or use a false or misleading representation in the offer or sale of the services of a credit services organization, including:

(A) guaranteeing to 'erase bad credit' or words to that effect unless the representation clearly discloses that this can be done only if the credit history is inaccurate or obsolete; and

(B) guaranteeing an extension of credit regardless of the person's previous credit problem or credit history unless the representation clearly discloses the eligibility requirements for obtaining an extension of credit;

(4) engage, directly or indirectly, in a fraudulent or deceptive act, practice, or course of business in connection with the offer or sale of the services of a credit services organization;

(5) make, or advise a buyer to make a statement with respect to a buyer's credit worthiness, credit standing, or credit capacity that is false or misleading or that should be known by the exercise of reasonable care to be false or misleading, to a consumer reporting agency or to a person who has extended credit to a buyer or to whom a buyer is applying for an extension of credit;

(6) advertise or cause to be advertised, in any manner whatsoever, the services of a credit services organization without filing a registration

CHAPTER 180

FORMERLY

HOUSE SUBSTITUTE NO. 1

FOR

HOUSE BILL NO. 295

AN ACT TO AMEND TITLE 6, DELAWARE CODE RELATING TO CREDIT SERVICES ORGANIZATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Title 6, Delaware Code by creating a new Chapter 24 thereto to read as follows:

"Chapter 24. Credit Services Organizations

§2401. Definitions

In this chapter:

(1) 'Buyer' means an individual who is solicited to purchase or who purchases the services of a credit service organization.

(2) 'Consumer reporting agency' has the meaning assigned by Section 603(f), Fair Credit Reporting Act (15 U.S.C. Section 1681a(f)).

(3) 'Extension of credit' means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

(4) 'Retail seller' means a person engaged in the business of selling goods or furnishing services to a buyer.

§2402. Credit Services Organization

(a) A credit services organization is a person who with respect to the extension of credit by others and in return for the payment of money or other valuable consideration, provides, or represents that the person can or will provide, any of the following services:

(1) improving a buyer's credit record, history, or rating;

(2) obtaining an extension of credit for a buyer; or

(3) providing advice or assistance to a buyer with regard to Subsection (1) or (2) of this subsection.

(b) The following are exempt from this chapter:

(1) a person authorized to make loans or extensions of credit under the laws of this State or the United States who is subject to regulation and supervision by this State or the United States, or a lender approved by the United States Secretary of Housing and Urban Development for participation in a mortgage insurance program under the National Housing Act (12 U.S.C. Section 1701 et seq.);

(2) a bank or building/savings and loan association whose deposits or accounts are federally insured, or a subsidiary of such a bank or savings and loan association;

(3) a credit union doing business in this state;

(4) a person licensed under Chapter 22, Title 5 of the Delaware Code.

(5) a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code of 1986;

(6) a person licensed as a real estate broker or salesperson under Chapter 29, Title 24 of the Delaware Code acting within the course and scope of that license;

(7) a person licensed to practice law in this state acting within the course and scope of the person's practice as an attorney;

(8) a broker-dealer registered with the Securities and Exchange Commission or the Commodity Future Trading Commission acting within the course and scope of that regulation;

(9) a consumer reporting agency;

(10) mortgage loan or loan brokers who are not engaged in the other activities of credit services organizations as described in §2402(1) if this chapter; and

(11) a person licensed to practice public accounting in this state acting within the course and scope of the person's practice as an accountant.

§2403. Prohibited Conduct

A credit services organization, a salesperson, agent, or representative of a credit services organization, or an independent contractor who sells or attempts to sell the services of a credit services organization may not:

(1) charge a buyer or receive from a buyer money or other valuable consideration before completing performance of all services the credit services organization has agreed to perform for the buyer, unless the credit services organization has obtained in accordance with §2404 of this chapter a surety bond in the amount required by §2404(e) issued by a surety company authorized to do business in this State or established and maintained a surety account at a federally insured bank or savings and loan association located in this State in which the amount required by §2404(e) is held in trust as required by §2404(c);

(2) charge a buyer or receive from a buyer money or other valuable consideration solely for referral of the buyer to a retail seller who will or may extend credit to the buyer if the credit that is or will be extended to the buyer is substantially the same as that available to the general public;

(3) make or use a false or misleading representation in the offer or sale of the services of a credit services organization, including:

(A) guaranteeing to 'erase bad credit' or words to that effect unless the representation clearly discloses that this can be done only if the credit history is inaccurate or obsolete; and

(B) guaranteeing an extension of credit regardless of the person's previous credit problem or credit history unless the representation clearly discloses the eligibility requirements for obtaining an extension of credit;

(4) engage, directly or indirectly, in a fraudulent or deceptive act, practice, or course of business in connection with the offer or sale of the services of a credit services organization;

(5) make, or advise a buyer to make a statement with respect to a buyer's credit worthiness, credit standing, or credit capacity that is false or misleading or that should be known by the exercise of reasonable care to be false or misleading, to a consumer reporting agency or to a person who has extended credit to a buyer or to whom a buyer is applying for an extension of credit;

(6) advertise or cause to be advertised, in any manner whatsoever, the services of a credit services organization without filing a registration

statement with the Secretary of State, unless otherwise provided by this chapter.

§2404. Bond: Surety Account

(a) This section applies to a credit services organization required by §2403(1) of this chapter to obtain a surety bond or establish a surety account.

(b) If a bond is obtained, a copy of it shall be filed with the Secretary of State. If a surety account is established, a notarized or otherwise official notification of the deposit by the depository institution shall be filed with the Secretary of State. Such notification shall include, at a minimum, the name of the financial institution, name of the credit services organization, account number and verification that the account is established in accordance with the terms set forth in §2404(c).

(c) The bond or surety account required must be in favor of the State for the benefit of any person who is damaged by any violation of this chapter. The bond or surety account must also be in favor of any person damaged by such a violation.

(d) Any person claiming against the bond or surety account for a violation of this chapter may maintain an action at law against the credit services organization and against the surety or trustee. The surety or trustee shall be liable only for damages awarded under §2409(a) of this code and not the punitive damages permitted under that section. The aggregate liability of the surety or trustee to all persons damaged by a credit services organization's violation of this chapter may not exceed the amount of the surety account or bond.

(e) The bond or the surety account shall be in the amount of $15,000.

(f) A depository holding money in a surety account under this chapter may not convey money in the account to the credit services organization that established the account or a representative of the credit services organization unless the credit services organization or representative presents a statement issued by the Secretary of State indicating that §2405(f) of this chapter has been satisfied in relation to the account. The Secretary of State may conduct investigations and require submission of information as necessary to enforce this subsection.

§2405. Registration

(a) A credit services organization shall file a registration statement with the Secretary of State before conducting business in this State. The registration statement must contain:

(1) the name and address of the credit services organization; and

(2) the name and address of any person who directly or indirectly owns or controls 10 percent or more of the outstanding shares of stock in the credit services organization.

(b) The registration statement must also contain either:

(1) a full and complete disclosure of any litigation or unresolved complaint filed with a governmental authority of this State relating to the operation of the credit services organization; or

(2) a notarized statement that states that there has been no litigation or unresolved complaint filed with a governmental authority of this State relating to the operation of the credit services organization.

(3) The name and address of the credit services organization's agent in the state authorized to receive service or process.

(c) The credit services organization shall update the statement not later than the 90th day after the date on which a change in the information required in the statement occurs.

(d) Each credit services organization registering hereunder shall maintain a copy of the registration statement in the files of the credit services organization. The credit services organization shall allow a buyer to inspect the registration statement on request.

(e) The Secretary of State may charge each credit services organization that files a registration statement with the Secretary of State a reasonable fee not to exceed $100 to cover the cost of filing. The Secretary of State may not require a credit services organization to provide information other than that provided in the registration statement.

(f) The bond or surety account shall be maintained until two years after the date that the credit services organization ceases operations.

§2406. Disclosure Statement

(a) Before executing a contract or agreement with a buyer or receiving money or other valuable consideration, a credit services organization shall provide the buyer with a statement in writing, containing:

(1) a complete and detailed description of the services to be performed by the credit services organization for the buyer and the total cost of the services;

(2) a statement explaining the buyer's right of proceed against the bond or surety account required by §2404 of this chapter;

(3) the name and address of the surety company that issued the bond, or the name and address of the depository and the trustee, and the account number of the surety account;

(4) a complete and accurate statement of the buyer's right to review any file on the buyer maintained by a consumer reporting agency, as provided by the Fair Credit Reporting Act. (15 U.S.C. Sec. 1681 et seq.);

(5) a statement that the buyer's file is available for review from the consumer reporting agency at no charge, under certain circumstances, if requested by the consumer within 30 days of receiving notice of a denial of credit and as provided in the Federal Fair Credit Reporting Act (15 U.S.C. §1681(j)).

(6) a complete and accurate statement of the buyer's right to dispute directly with the consumer reporting agency the completeness or accuracy of any item contained in a file on the buyer maintained by that consumer reporting agency;

(7) a statement that accurate information cannot be permanently removed from the files of a consumer reporting agency;

(8) a complete and accurate statement of when consumer information becomes obsolete, and of when consumer reporting agencies are prevented from issuing reports containing obsolete information; and

(9) a complete and accurate statement of the availability of nonprofit credit counseling services.

(b) The credit services organization shall maintain on file, for a period of two years after the date the statement is provided, an exact copy of the statement, signed by the buyer, acknowledging receipt of the statement.

§2407. Form and Terms of Contract

(a) Each contract between the buyer and a credit services organization for the purchase of the services of the credit services organization must be in writing, dated, signed by the buyer, and must include:

(1) A statement in type that is boldfaced, capitalized, underlined, or otherwise set out from surrounding written materials so as to be conspicuous, in immediate proximity to the space reserved for the signature of the buyer, as follows: 'You, the buyer, may cancel

this contract at any time before midnight of the third day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right.';

(2) the terms and conditions of payment, including the total of all payments to be made by the buyer, whether to the credit services organization or to another person;

(3) a full and detailed description of the services to be performed by the credit services organization for the buyer, including all guarantees and all promises of full or partial refunds, and the estimated length of time, not to exceed 180 days, for performing the services; and

(4) the address of the credit services organization's principal place of business and the name and address of its agent in the state authorized to receive service or process.

(b) The contract must have attached two easily detachable copies of a notice of cancellation. The notice must be in boldfaced type and in the following form:

'Notice of Cancellation

You may cancel this contract, without any penalty or obligation, within three days after the date the contract is signed.

If you cancel, any payment made by you under this contract will be returned within 10 days after the date of receipt by the seller of your cancellation notice.

To cancel this contract, mail or deliver a signed dated copy of this cancellation notice, or other written notice to:

(name of seller) at (address of seller) (place of business) not later than midnight (date) I hereby cancel this transaction.

(date)

(purchaser's signature)'

(c) The credit services organization shall give to the buyer a copy of the completed contract and all other documents the credit services organization requires the buyer to sign at the time they are signed.

(d) The breach by a credit services organization of a contract under this chapter, or of any obligation arising from a contract under this chapter, is a violation of this chapter.

§2408. Waiver

(a) A credit services organization may not attempt to cause a buyer to waive a right under this chapter.

(b) A waiver by a buyer of any part of this chapter is void.

§2409. Action for Damages

(a) A buyer injured by a violation of this chapter may bring any action for recovery of damages. The damages awarded may not be less than the amount paid by the buyer to the credit services organization, plus reasonable attorney's fees and court costs.

(b) The buyer may also be awarded punitive damages.

§2410. Injunction

The attorney general or a buyer may bring an action in a court to enjoin a violation of this chapter.

§2411. Statute of Limitations

An action may not be brought under §2409 or §2410 of this chapter after four years after the date of the execution of the contract for services to which the action relates.

§2412. Criminal Penalty

An offense under this chapter is a Class B misdemeanor.

§2413. Burden of Proving Exemption

In an action under this chapter the burden of proving an exemption under §2402 of this chapter shall be on the person claiming the exemption.

§2414. Remedies Cumulative

The remedies provided by this chapter are in addition to any other remedies provided by law."

Approved July 16, 1991.

CHAPTER 181

FORMERLY

HOUSE BILL NO. 361

AN ACT TO AMEND CHAPTER 73, TITLE 6, OF THE DELAWARE CODE RELATING TO THE REGULATION OF SECURITIES, BROKER-DEALERS, INVESTMENT ADVISERS AND AGENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7306(e) in its entirety and by substituting in lieu thereof the following:

"(e) Every person filing a registration statement under this section, or under section 7305, shall pay a filing fee as provided by rule or regulation, but in no case shall the fee be less than $200 or more than $1000. In addition, the Commissioner may require reasonable fees for miscellaneous costs absorbed by the Securities Division for the printing, copying, filing or transcription of other documents."

Section 2. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7305(b) in its entirety and substituting in lieu thereof the following:

"(b) A registration statement under this section shall contain the following information and be accompanied by the following documents, in addition to the information specified in subsection 7307(b) of this title and the consent to service of process required by section 7327 of this title, and a filing fee as established by the Commissioner under subsection 7306(e) of this title:

(1) One copy of the latest form of prospectus filed under the Securities Act of 1933, unless the Commissioner requires additional copies;

(2) If the Commissioner by rule or otherwise requires, a copy of the articles of incorporation and bylaws (or their substantial equivalents) currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;

(3) If the Commissioner requests, any other information, or copies of other documents, filed under the Securities Act of 1933 or with other States or regulatory agencies;

(4) An undertaking to forward all future amendments to the federal prospectus, other than an amendment which merely delays the effective date of the registration statement, promptly and in any event not later than the first business day after the day they are forwarded to or filed with the Securities and Exchange Commission, whichever first occurs."

Section 3. Amend Chapter 73, Title 6, of the Delaware Code by designating the present text of subsection 7307(f) as subsection 7307(f)(1) and adding the following language as subsection 7307(f)(2):

"(2) The Commissioner may require that registrations of securities be renewed annually. Where the Commissioner finds that an additional security from the same issuer has different characteristics from the security first registered, such as being a separate portfolio or series of an investment company or mutual fund, the Commissioner may require separate registration and renewal of the additional security."

Section 4. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7314(e) in its entirety and substituting in lieu thereof the following:

"(e) The Commissioner may by rule or order require broker-dealers, investment advisers, and agents, as a prerequisite to registration or otherwise, to post surety bonds in amounts up to $100,000 for a broker-dealer or investment adviser and up to $25,000 per agent, conditioned that the registrant will comply with the provisions of this chapter and the rules, regulations and orders issued pursuant thereto. Any such bond must be drawn in a form acceptable to the Commissioner and so as to cover the original registration and any renewals thereof. Any appropriate deposit of cash or security shall be accepted in lieu of any such bond in the discretion of the Commissioner, who may waive or reduce the bond requirement for particular firms or individuals. The surety may prospectively cancel any such bond upon 30 days written notice to the registrant and to the Commissioner. Liability of the surety on the bond shall mature upon:

(1) A finding in an order by the Commissioner that the registrant has violated the Delaware Securities Act or regulations thereunder, where the order is not stayed by the Commissioner or by order of a court of competent jurisdiction; and

(2) A demand by the Commissioner for payment of the full amount (to the limit of the bond) of any fines, costs or restitution ordered by the Commissioner after a finding against the registrant. The obligation of the surety on such a demand shall exist as to any period covered by the bond regardless of whether the Commissioner's finding is subsequent to cancellation of the bond by the surety."

Section 5. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7316(a)(6) in its entirety and adding in lieu thereof the following:

"(6) Is the subject of an order entered within the past 10 years by the securities administrator of any other State or by the Securities and Exchange Commission either ordering the person to cease and desist from engaging in or continuing any conduct or practice involving any aspect of the securities business, or suspending, denying or revoking registration as a broker-dealer, investment adviser or agent, or the substantial equivalent of those terms as defined in this chapter; or is suspended or expelled from a national securities exchange or national securities association registered under the Securities Exchange Act of 1934 either by action of a national securities exchange or national securities association, the effect of which action has not been stayed by administrative or judicial order; or is the subject of a United States Post Office fraud order; or"

Section 6. Amend Chapter 73, Title 6, of the Delaware Code by changing the period at the end of subsection 7316(a)(12) to a semicolon followed by the word "or" and by adding to subsection 7316(a) the following:

"(13) Has within the past 10 years been a partner, officer, director, controlling person, or any person occupying a similar status or performing similar functions, in a broker-dealer or investment adviser whose registration in this State or any State, or with the Securities and Exchange Commission, has been revoked for disciplinary reasons, or whose membership in a national securities exchange or national securities association has been terminated for disciplinary reasons."

Section 7. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7316(a)(11) in its entirety and adding in lieu thereof the following:

"(11) Has failed to pay the proper filing fee, but the Commissioner shall vacate any denial or suspension order when the deficiency has been corrected; or"

Section 8. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7316(a)(7) in its entirety and adding in lieu thereof the following:

"(7) Has engaged in dishonest or unethical practices within or outside this State; or"

Section 9. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7316(a)(10) in its entirety and adding in lieu thereof the following:

"(10) Has failed reasonably to supervise his agents if he is a broker-dealer or investment adviser, or an agent with supervisory responsibilities, and the Commissioner may infer such failure from an agent's violations; or"

Section 10. Amend Chapter 73, Title 6, of the Delaware Code by adding the following sentence to the end of subsection 7316(f): "The Commissioner or his designee shall control the procedures and the conduct of the parties at the hearing."

Section 11. Amend Chapter 73, Title 6, of the Delaware Code by changing the term "30 days" as it appears twice in the first sentence of subsection 7316(e) to "90 days"; and by striking the third sentence of subsection 7316(e) and adding in lieu thereof the following: "If no proceeding is pending or instituted a withdrawal automatically becomes effective, but the Commissioner may nevertheless institute a revocation or suspension proceeding, and impose fines, costs and restitution, within two years after withdrawal becomes effective and enter a revocation or suspension as of the last date on which registration was effective."

Section 12. Amend Chapter 73, Title 6, of the Delaware Code by striking the first sentence of subsection 7309(c) and adding in lieu thereof the following" The Commissioner may be rule or order deny or revoke any exemption in subsection (a)(9) or (11) or in subsection (b), either generally or with respect to a specific security or transaction."

Section 13. Amend Chapter 73, Title 6, of the Delaware Code by striking the term "30 days"

Section 14. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7313(d) in its entirety and adding in lieu thereof the following:

"(d) Every registration of an agent expires when the agent terminates his connection with a broker-dealer or investment adviser registered under this chapter or with an issuer, though the person may still be subject to disciplinary action by the Commissioner under subsection 7316(e). When such a person who is currently registered as an agent under this chapter begins a connection with another broker-dealer, investment adviser or issuer, he shall file an application for initial registration as provided in subsection 7314(a) of this title and shall pay a filing fee prescribed by subsection 7314(b) of this title. Unless the Commissioner takes action under section 7316 or section 7315 of this title, the said agent registration shall become effective 90 days after receipt of a complete application by the Commissioner (or by his designee) and shall continue in effect until it expires under the provisions of subsection (c) hereof, or under the provisions of this subsection, whichever would earlier occur. The Commissioner shall be empowered to waive the 90 day period at his discretion."

Section 15. Amend Chapter 73, Title 6, of the Delaware Code by striking the next to last sentence in subsection 7314(a)(1) and adding in lieu thereof the following: "If no denial order is in effect and no proceeding is pending under section 7316, registration becomes effective at noon of the 90th day after a complete application is filed."

Section 16. Amend Chapter 73, Title 6, of the Delaware Code by striking the title "Sales and Purchases" of section 7303 and adding in lieu thereof the following: "Fraud".

Section 17. Amend Chapter 73, Title 6, of the Delaware Code by striking section 7301 in its entirety and adding in lieu thereof the following:

"Section 7301. Short Title; Purpose

(a) This chapter shall be known and may be cited as the "Delaware Securities Act."

(b) The purpose of the Delaware Securities Act is to prevent the public from being victimized by unscrupulous or overreaching broker-dealers, investment advisers or agents in the context of selling securities or giving investment advice, as well as to remedy any harm caused by securities law violations. This prophylactic and remedial purpose shall be deemed of paramount importance in the interpretation of the provisions of this Act and particularly in any judicial review of sanctions or penalties imposed by the Securities Commissioner and of motions or requests by persons affected to stay such sanctions or penalties."

Section 18. Amend Chapter 73, Title 6, of the Delaware Code by adding a subsection 7302(a)(15) to section 7302, to read as follows:

"(15) "Public interest" means that it shall appear to the Commissioner that the action taken or sanction imposed will further the purpose of the Delaware Securities Act."

Section 19. Amend Chapter 73, Title 6, of the Delaware Code by striking section 7322 in its entirety and adding in lieu thereof the following:

"Section 7322. Criminal Penalties

(a) Fraud of $50,000 or more; Class E Felony.

Any person who willfully violates section 7303 of this chapter, thereby causing any investor or investors to lose $50,000 or more, shall upon conviction be fined not more than $200,000 or imprisoned not more than 5 years at Level V incarceration, or both, per violation.

(b) Fraud of $10,000 or more; Class F Felony.

Any person who willfully violates section 7303 of this chapter, thereby causing any investor or investors to lose $10,000 or more, though less than $50,000, shall upon conviction be fined not more than $100,000 or imprisoned not more than 3 years at Level V incarceration, or both, per violation.

(c) Other Violations; Class G Felony.

Any person who willfully violates any provision of this chapter, and whose offense is not covered by subsections (a) or (b) above, shall upon conviction be fined not more than $100,000 or imprisoned not more than 2 years at Level V incarceration, or both, per violation.

(d) No indictment or information may be returned under this chapter more than 5 years after the alleged violation. The Superior Court shall have exclusive jurisdiction of any criminal violations of this chapter.

(e) In addition to the penalties stated above, restitution to any investor or investors may be ordered. Nothing in this chapter limits the power of the State to punish any person for any conduct which otherwise constitutes a crime by statute."

Section 20. Amend Chapter 73, Title 6, of the Delaware Code by adding the following sentence to the end of subsection 7319(b): "The Commissioner's authority to subpoena witnesses and documents outside the State shall exist to the maximum extent permissible under federal constitutional law."

Section 21. Amend Chapter 73, Title 6, of the Delaware Code by striking the semicolon at the end of subsection 7302(a)(6)(b). and adding in lieu thereof the following: "and who receives no special compensation for them;"

Section 22. Amend Chapter 73, Title 6, of the Delaware Code by striking the term "2 years" in the first sentence of subsection 7323(e) and adding in lieu thereof the term "3 years".

Section 23. Amend Chapter 73, Title 6, of the Delaware Code by adding a new section 7330, to read as follows:

"Section 7330. Statute of Limitations.

(a) In any administrative, civil or criminal action brought by the Commissioner seeking registration suspension or revocation, fines, costs, restitution or imprisonment, no more than 5 years shall have passed from the date of the violation to the date of the initiation of the proceeding.

(b) This 5-year limit shall not apply to registration denial proceedings."

Section 24. Amend Chapter 73, Title 6, of the Delaware Code by adding a new sentence to the end of subsection 7326(a), to read as follows: "Other than filing fees, the Commissioner may waive document filing requirements."

Section 25. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7316(a)(8) in its entirety and adding in lieu thereof the following:

"(8) Is insolvent, either in the sense that his liabilities exceed his assets or in the sense that he cannot meet his obligations as they mature; or"

Section 26. Amend Chapter 73, Title 6, of the Delaware Code by designating the present text of subsection 7317(a)(2):

"(2) It is unlawful for an investment adviser, as defined in this chapter, in connection with giving investment advice or otherwise acting as an investment adviser, to make any untrue statement of fact that a reasonable client or prospective client would deem material or to omit to state a material fact necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading."

Section 27. Amend Chapter 73, Title 6, of the Delaware Code by striking subsection 7302(a)(3)c. in its entirety and by adding in lieu thereof the following:

"c. A bank, savings institution, or trust company that does not solicit securities clients or engage in retail securities business (other than as trustee);"

Section 28. Amend Chapter 73, Title 6, of the Delaware Code by adding to the end of subsection 7314(d) the following sentence: "The Commissioner may increase or reduce the net capital requirement for broker-dealers to conform to the rules of the Securities and Exchange Commission or the National Association of Securities Dealers, Inc."

Section 29. Amend Chapter 73, Title 6, of the Delaware Code by striking the third clause of subsection 7302(a)(11)d. in its entirety and by adding in lieu thereof the following: "any act incident to a vote by stockholders or approval pursuant to Section 228 of Title 8 without a meeting, pursuant to the certificate of incorporation or the provisions of this title, on a merger, consolidation, reclassification of securities, dissolution or sale of corporate assets in consideration of the issuance of securities, dissolution, or sale of corporate assets of another corporation;"

Section 30. Amend Chapter 73, Title 6, of the Delaware Code by striking the title of Section 7325 in its entirety and by adding in lieu thereof: "Administration of chapter; remedial powers"; also, by adding the following sentence to the end of subsection 7325(b): "Any person, whether registered or not, who willfully violates any provision of this chapter, or who aids and abets any person who willfully violates any provision of this chapter, may be fined in accordance with subsection 7316(g) and ordered to pay restitution and costs (or to rescind the transaction or transactions and pay costs) if the Commissioner finds it in the public interest, and may be criminally prosecuted under section 7322."

Section 31. Amend Chapter 73, Title 6 of the Delaware Code by striking section 7324 in its entirety and adding in lieu thereof the following:

"Section 7324. Judicial Review.

(a) Any person aggrieved by an order of the Commissioner may obtain a review of the order in the Court of Chancery by first paying the costs of transcribing the record and, upon completion of the record transcription, by filing in court, within 60 days after the entry of the order, a written complaint praying that the order be modified or set aside in whole or in part. A copy of the complaint shall be forthwith served upon the Commissioner, and thereupon the Commissioner shall certify and file within 20 days in court a copy of the filing and evidence upon which the order was entered. If, however, the complainant fails to pay the costs of transcription or the transcription is not completed, the Commissioner shall notify the Court and receive additional time in which to file and certify the record. A continued failure by a complainant to pay the costs of transcription shall result in dismissal of the complaint without any need for the Commissioner to file the record in court.

(b) When the record has been filed and certified by the Commissioner, the Court of Chancery has exclusive jurisdiction to affirm, modify, enforce or set aside the order, in whole or in part. The findings of the Commissioner as to the facts, if supported by material and substantial evidence, are conclusive. If, within 20 days of the filing of the record by the Commissioner, either party applies to the Court for leave to adduce material evidence, and shows to the satisfaction of the Court that there were reasonable grounds for failure to adduce the evidence in the hearing before the Commissioner, the Court may order the additional evidence to be taken before the Commissioner and to be adduced upon the hearing in such manner and upon such conditions as the Court considers proper.

(c) The commencement of the proceedings under subsection (a) does not, unless specifically ordered by the Court, operate as a stay of the Commissioner's order."

Section 32. This Bill shall be referred to as the "Securities Act Amendments of 1991."

Section 33. The provisions in this Bill shall become effective 30 days after it has been signed into law by the Governor.

Approved July 17, 1991.

CHAPTER 182

FORMERLY

HOUSE BILL NO. 369

AN ACT TO AMEND CHAPTER 47, TITLE 7 OF THE DELAWARE CODE RELATING TO PENALTIES FOR VIOLATIONS OF STATE PARK REGULATIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §4702(a), Chapter 47, Title 7 of the Delaware Code by deleting the figures "$10" and "$100" as they appear in said subsection and inserting in their place the figures "$25.00" and "$250.00"; and, by inserting the following new sentence between the first and second sentences of said subsection:

"For each subsequent like offense he/she shall be fined not less than $50.00 nor more than $500.00."

Approved July 17, 1991.

CHAPTER 183

FORMERLY

HOUSE BILL NO. 378

AN ACT TO AMEND CHAPTER 91 OF TITLE 7 OF THE DELAWARE CODE RELATING TO TAXATION OF PETROLEUM AND PETROLEUM PRODUCTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §9114, Title 7 of the Delaware Code by adding to said section a new subsection (d) as follows:

"(d) Notwithstanding the provisions of subsection (a) of this section, with regard to gross receipts received after June 30, 1991, and before April 1, 1992, for purposes only of this section but not for other taxes applied against gross receipts on petroleum products in Chapter 29 of Title 30, the term 'petroleum or petroleum products' shall not include crude oil."

Section 2. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Approved July 17, 1991.

CHAPTER 184

FORMERLY

HOUSE SUBSTITUTE NO. 1

TO

HOUSE BILL NO. 250
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 16, DELAWARE CODE RELATING TO THE ADOPTION AND RESPONSIBILITIES FOR THE IMPLEMENTATION OF FEDERAL REGULATIONS PROMULGATED UNDER TITLE III OF THE SUPERFUND AMENDMENTS AND REAUTHORIZATION ACT OF 1986 (ALSO KNOWN AS SARA TITLE III OR THE EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT OF 1986), AND FURTHER PROVIDING FOR THE ESTABLISHMENT OF A MECHANISM TO COLLECT FEES FOR THE PURPOSE OF FUNDING THE LOCAL EMERGENCY PLANNING COMMITTEES AND DATA COLLECTION AND MANAGEMENT ACTIVITIES RELATED THERETO.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Title 16, Delaware Code, by establishing a new Chapter 63 to read as follows:

"CHAPTER 63. EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW

§6301. Establishment of State Emergency Response Commission

The Commission on Hazardous Materials established pursuant to the provisions of §8227 of Chapter 82, Title 29, Delaware Code is hereby also designated as the State Emergency Response Commission in compliance with Title III of the Federal Superfund Amendments and Reauthorization Act of 1986 (42 U.S. Code, Chapter 116, Emergency Planning and Community Right-to-Know).

§6302. Adoption of Federal Requirements

The State hereby adopts the following parts of the Code of Federal Regulations, being Title 40, Parts 355, 370, and 372, being lawfully promulgated pursuant to Title III of the Federal Superfund Amendments and Reauthorization Act of 1986 (42 U.S. Code, Chapter 116, Emergency Planning and Community Right-to-Know), with the following exceptions:

(1) The following paragraphs shall be modified and adopted as follows:

Section 370.20 (b)(1) - The owner or operator of a facility subject to this subpart shall submit a Material Safety Data Sheet on or before October 17, 1992, or within three months after the facility first becomes subject to this subpart, for all hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or 55 gallons, whichever is lower, and for all extremely hazardous substances present at the facility in an amount equal to or greater than 500 pounds, 55 gallons or the Threshold Planning Quantity, whichever is lower.

Section 370.20 (b)(2) - The owner or operator of a facility subject to this subpart shall submit the Tier II form, or alternate State generated form approved and mandated by the State Emergency Response Commission containing as a minimum information identical to that contained on the Tier II form, on or before March 1, 1992, or March 1 of the first year after the facility first becomes subject to this subpart, and annually thereafter, covering all hazardous chemicals present at the facility at any one time during the preceding calendar year in amounts equal to or greater than 500 pounds or 55 gallons, whichever is lower, and extremely hazardous substances present at the facility in an amount equal to or greater than 500 pounds, 55 gallons, or the Threshold Planning Quantity, whichever is lower.

(2) The following subparts shall be excluded from adoption:

§355.50 Penalties.

§370.5 Penalties.

§372.18 Compliance and Enforcement.

(3) Submission of the Tier II form, or alternate State generated form as approved and mandated by the State Emergency Response Commission containing as a minimum information identical to that contained on the Tier II form, is hereby required in this State in lieu of the Tier I form.

Any person covered by the scope of these regulations in the State shall comply with these adopted federal regulations and the adopted modifications, as well as any federal regulations or modifications subsequently adopted by the Commission.

§6303. Definitions

For the purposes of this Chapter, definitions for the following terms and phrases shall be as follows:

(1) PERSON. The term 'person' means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of State, or interstate body.

(2) FACILITY. The term 'facility' means all buildings, equipment, structure, and other stationary items that are located on a single site or on contiguous or adjacent sites and which are owned or operated by the same person (or by any person which controls, is controlled by, or under common control with, such person). 'Facility' shall include manmade structures as well as all natural structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

(3) HAZARDOUS CHEMICAL. The term 'hazardous chemical' means any hazardous chemical as defined under 1910.1200(c) of Title 29 of the Code of Federal Regulations, except that such term does not include the following substances:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.

(3) Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.

(4) Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.

(5) Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

(4) PRESENT IN THE SAME FORM AND CONCENTRATION AS A PRODUCT PACKAGED FOR DISTRIBUTION AND USE BY THE GENERAL PUBLIC. This phrase means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public.

(5) EXTREMELY HAZARDOUS SUBSTANCE. The term 'extremely hazardous substance' means a substance listed in the Appendices to Part 355, Emergency Planning and Notification, of Title 40 of the Code of Federal Regulations.

(6) MIXTURE. The term 'mixture' means a heterogeneous association of substances where the various individual substances retain their identities and can usually be separated by mechanical means. Includes solutions or compounds but does not include alloys or amalgams.

(7) MOTOR VEHICLE FUEL. The term 'motor vehicle fuel' means a petroleum or petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.

§6304. Data Collection and Management

(a) The Department of Public Safety is hereby designated as the State agency responsible for overseeing the collection and management of all information reported under the federal requirements adopted and modified under §6302 of this Chapter.

(b) The Department of Public Safety is hereby authorized to assess reasonable charges for public requests for data collected under this Chapter to cover the costs associated with filling such requests.

§6305. Establishment of Authority to Collect Fees

The Department of Public Safety with advice and consent of the State Emergency Response Commission is hereby authorized to impose on and collect fees from facilities reporting under the Federal Regulations adopted and modified under §6302 of this Chapter.

§6306. Reporting Fees

(a) Excluding reports on mixtures, the reporting fees shall be assessed as follows:

A filing fee not to exceed $40 shall be assessed for each hazardous chemical reported on a Tier II form, or alternate State generated form approved and mandated by the State Emergency Response Commission, under §6302 of this Chapter. A filing fee not to exceed $80 shall be assessed for each extremely hazardous substance reported on a Tier II form, or alternate State generated form approved and mandated by the State Emergency Response Commission, under §6302 of this Chapter.

(b) For reports on mixtures, the reporting fees shall be assessed as follows:

A filing fee not to exceed $40 shall be assessed for each mixture reported on a Tier II form, or alternate State generated form approved and mandated by the State Emergency Response Commission, under §6302 of this Chapter containing extremely hazardous substances in a concentration of less than 10 percent by weight. A filing fee not to exceed $80 shall be assessed for each mixture reported on a Tier II form, or alternate State generated form approved and mandated by the State Emergency Response Commission, under §6302 of this Chapter containing extremely hazardous substances in a concentration of 10 percent or more by weight.

(c) The maximum fee collected under this Section shall not exceed $5,000 per year per facility.

§6307. Fee Collection and Management

(a) The fees herein authorized shall be assessed and collected annually based on information required to be submitted under §6302 of this Chapter covering the previous calendar year.

(b) The fees herein authorized shall be appropriated to the State Emergency Response Commission through the Department of Public Safety for

the purpose of funding the Local Emergency Planning Committees and data collection and management activities related thereto.

(c) The Department of Public Safety shall oversee the assessment and collection of the fees herein authorized. These fees shall be placed in a liquid, interest bearing account, other than the account established under §6310(f), to be selected by the Commission.

(d) The fiscal year for the purposes of this Chapter shall be from March 1 until the last day of February the following year.

(e) Fee monies obtained under this Chapter shall remain available for the purposes of this Chapter and shall not be subject to reversion.

(f) All Local Emergency Planning Committees and State agencies to be funded under this Chapter shall submit to the State Emergency Response Commission for review and approval by January 1 of each year a budget worksheet and a work plan for the fiscal year to begin March 1 of that year.

§6308. Exemptions from Reporting Fee Requirements

(a) Federal, state, county, and local government facilities and non-profit organizations are exempt from the reporting fees under this Chapter.

(b) Motor vehicle fuels at facilities which offer such fuels for retail sale shall also be exempt from the reporting fees under this Chapter. However, hazardous chemicals or extremely hazardous substances at these facilities other than motor vehicle fuels for retail sale shall not be exempt from the reporting fees.

§6309. Regulations

(a) The State Emergency Response Commission and the Secretary of the Department of Public Safety may prescribe such regulations as may be necessary to carry out this Chapter.

(b) Regulations prepared by the Secretary of the Department of Public Safety under the provisions of this Chapter shall be subject to review and approval by the State Emergency Response Commission prior to promulgation.

§6310. Enforcement; Penalties

(a) Any duly authorized designee of the State Emergency Response Commission or any duly authorized designee of the Secretary of the Department of Natural Resources and Environmental Control may, upon presentation of appropriate credentials at any reasonable time, enter upon any private or public property for the purpose of investigating compliance with or enforcing any requirement or regulation authorized by this Chapter, including, but not limited to, the inspecting and copying of any records, reports, or information relating to the purposes of this Chapter.

(b) Upon any refusal of entry, inspection, or copying pursuant to this Section, any duly authorized designee of the State Emergency Response Commission or any duly authorized designee of the Secretary of the Department of Natural Resources and Environmental Control may apply for and obtain a warrant to allow such entry, inspection, or copying in the manner established by the rules and law of criminal procedure.

(c) With the advice and consent of the State Emergency Response Commission, the Secretary of the Department of Natural Resources and Environmental Control is hereby authorized to impose an administrative penalty, as detailed in §6005(b)(3) of Chapter 60, Title 7, Delaware Code, upon any person of not more than $10,000 for each day of violation of the provisions of parts 370 and/or 372 of the federal regulations adopted and modified under §6302 of this Chapter or any rule or regulation promulgated under this Chapter relating thereto, not to include violations of the fee requirements covered under paragraph (d) of this Section. Simultaneous violations of the provisions of parts 370 and/or 372 of the federal regulations adopted and modified under §6302 of this Chapter or any rule or regulation promulgated under this Chapter relating thereto shall be treated as a single violation for each day.

(d) A surcharge of 20 percent of the appropriate facility fee shall be assessed by the Secretary of the Department of Public Safety to firms who fail to remit the correct fee or the fee itself in accordance with the provisions of this Chapter or any rule or regulation promulgated under this Chapter relating thereto.

(e) Any person found to have violated the provisions of parts 370 and/or 372 of the federal regulations adopted under §6302 of this Chapter or any rule or regulation promulgated under this Chapter relating thereto, or the reporting fee requirements of this Chapter or any rule or regulation promulgated under this Chapter relating thereto, shall be liable for all expenses incurred by the Department of Natural Resources and Environmental Control in abating the violation as detailed in §6005(c) of Chapter 60, Title 7, Delaware Code. Monies collected under this paragraph shall be appropriated to the Department of Natural Resources and Environmental Control to cover the costs associated with such activities.

(f) Monies collected under paragraphs (c) and (d) of this Section shall be placed in a liquid, interest bearing account, other than the account established under §6307(c), to be selected by the Commission.

(g) Monies collected under paragraphs (c) and (d) of this Section shall be appropriated to the State Emergency Response Commission for the purpose of funding related SARA Title III activities and shall not be subject to reversion.

§6311. Jurisdiction

(a) Jurisdiction of offenses covered under §6310(c) of this Chapter shall be as stated in §6005(b)(3) of Chapter 60, Title 7, Delaware Code.

(b) Justice of the Peace Courts of this State shall have jurisdiction of offenses under §6310(d) of this Chapter.

(c) Jurisdiction of the provisions of §6310(e) of this Chapter shall be as stated in §63005(c) of Chapter 60, Title 7, Delaware Code.

§6312. Implementation and Re-Evaluation of Reporting Fees

(a) Effective July 1, 1991, the fees herein established shall be assessed at a rate of 66 percentum on reports submitted and/or required to have been submitted in 1991 covering the 1990 calendar year.

(b) For the following two years beginning with reports submitted under §6302 in 1992 covering activities during the 1991 calendar year, the fees herein established shall be assessed at a rate of 100 percentum on reports submitted or required to have been submitted under §6302 by March 1 of each year covering the previous calendar year.

(c) At the conclusion of the two year period covered under paragraph (b) of this Section, the fees imposed under §6305 shall be re-evaluated by the State Emergency Response Commission which shall then propose a fee system adjusted to meet the current and future activities herein authorized."

Approved July 18, 1991.

CHAPTER 185

FORMERLY

HOUSE BILL NO. 272
AS AMENDED BY HOUSE AMENDMENT NO. 1 AND SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO NAVIGATION AND WATERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend §2112, Chapter 21, Title 23 of the Delaware Code by re-designating present subsection (4) as new subsection (5), and by adding to said section the following new subsection:

"(4) 'Vessel' shall mean every description of watercraft, other than a seaplane, used or capable of being used as a means of transportation on water or ice. Jet skis, surf jets, ski craft and other personal watercraft are vessels for purposes of this Chapter."

Section 2. Amend Chapter 22, Title 23 of the Delaware Code by designating all of the present Chapter as new Subchapter I, which new Subchapter shall be entitled as follows:

"SUBCHAPTER I. PERSONAL FLOTATION DEVICES FOR CHILDREN"

Section 3. Amend Chapter 22, Title 23 of the Delaware Code by adding thereto a new Subchapter, designated as Subchapter II, which new Subchapter shall read as follows:

"SUBCHAPTER II. PERSONAL WATERCRAFT

§2211. Definitions.

The following words, terms and phrases, when used in this Subchapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) 'Approved personal flotation device' shall mean any United States Coast Guard approved type I, II, III or V personal flotation device.

(b) 'Personal watercraft' shall mean any Class A in-board vessel (less than sixteen feet in length) as defined by the United States Coast Guard which uses either an internal combustion engine powering a water jet-pump or a propeller as its primary source of propulsion and which is designed to be operated either by a person or persons sitting, standing or kneeling on the vessel, or by a water skier via remote control, instead of in the conventional manner of vessel operation, such as riding in the vessel.

(c) 'Headway Speed' shall mean the minimum speed necessary to maintain steerage and control of a personal watercraft while such personal watercraft is moving.

§2212. Restrictions and Regulations Relating to the Operation of Personal Watercraft.

(a) No person shall operate a personal watercraft unless such person is sixteen years of age or older, except that a person between fourteen and sixteen years of age may operate a personal watercraft if such operation occurs under the direct supervision of said person's parent or legal guardian.

(b) No person shall operate a personal watercraft at any time in the evening from one-half hour after sunset to one-half hour before sunrise unless the personal watercraft is equipped with navigation lights.

(c) No person shall operate or ride in a personal watercraft unless such person is wearing an approved personal flotation device.

(d) No person shall operate a personal watercraft unless the personal watercraft is equipped with a self-circling device or a lanyard-type engine cutoff switch. If the personal watercraft is equipped with a lanyard-type engine cutoff switch, no person shall operate such personal watercraft unless the lanyard is attached to the person, clothing or personal flotation device of the operator of such personal watercraft.

(e) No person shall remove, alter, or tamper with any part of the spring-loaded throttle mechanism on a personal watercraft which immediately returns the engine to an idle speed upon release of the operator's hand from the throttle control, or any feature of an engine cut-off switch on a personal watercraft, which is installed by a manufacturer.

(f) A personal watercraft shall at all times be operated in a reasonable and prudent manner. Maneuvers which unreasonably or imprudently endanger life, limb or property shall constitute reckless operation of the personal watercraft. Maneuvers which unreasonably or unnecessarily endanger life, limb or property shall include but are not limited to:

(1) weaving through congested vessel traffic;

(2) jumping or attempting to jump the wake of another vessel within 100 feet of such other vessel, or when visibility around such other vessel is obstructed;

(3) following within 100 feet of a water skier; or

(4) speeding in restricted speed areas.

(g) No person who is the owner of a personal watercraft or who has charge or control over a personal watercraft shall permit another person to operate such personal watercraft in violation of any provision of this Subchapter.

(h) No person shall operate a personal watercraft at any speed greater than headway speed while within or at the entrance to a marina or other place utilized as an anchorage.

(i) Within the Delaware waters of the Atlantic Ocean, no person shall operate a personal watercraft at any speed greater than headway speed unless such personal watercraft is at least 300 feet from all wharfs, piers, docks, boat launching areas, pilings, bridge structures or abutments, moored, drifting or anchored vessels, all non-motorized vessels, all people in the water, and any shoreline.

(j) No person shall operate a personal watercraft in an area where motorized vessels are prohibited.

(k) No person shall operate a personal watercraft to tow a water skier, aquaboard or other similar device unless the personal watercraft is designed to carry at least two people and unless an observer is on board the personal watercraft and facing toward the device being towed.

§2213. Rentals of Personal Watercraft.

(a) No person shall rent a personal watercraft to any person who does not hold a valid automobile driver's license.

(b) No person shall rent a personal watercraft to any person unless and until such personal watercraft is conspicuously marked with the word 'rental' and such other markings as are designated by the Department of Natural Resources and Environmental Control.

(c) No person shall rent a personal watercraft to any person without explaining to the person the areas where the personal watercraft is and is not allowed to be operated.

(d) No person shall rent a personal watercraft to any person without providing, at the site where such personal watercraft is rented, a vessel equipped to render assistance, guidance and policing of rented personal watercraft.

(e) No person shall rent a personal watercraft to any person without providing the following information to the person and obtaining from the person a written acknowledgment that the person has read and understands the following information:

(1) a printed map or chart of the area where the person is permitted to operate the personal watercraft;

(2) a booklet or manual relating to personal watercraft safety which is accepted or recognized by the Department of Natural Resources and Environmental Control;

(3) a summary of the provisions of this Subchapter.

§2214. Exceptions.

The restrictions and prohibitions of this Subchapter shall not apply to law enforcement vessels operated by law enforcement personnel in the performance of their duties, nor shall the provisions of this Subchapter shall apply to any person engaged in a professional exhibition or participating in a regatta, race, marine parade, tournament or exhibition held in compliance with §2120 of this Title.

§2215. Enforcement; Penalties.

(a) The Department of Natural Resources and Environmental Control shall be the State agency authorized to promulgate such rules and regulations as are necessary for the safe and proper administration of this Subchapter.

(b) The State, each county within this State, and each municipality within this State shall have concurrent authority to enforce, each within its respective jurisdiction, the provisions of this Subchapter. All fines and penalties collected by a county or municipality as a result of the efforts of that county or municipality to enforce the provisions of this Subchapter shall be paid to such county or municipality.

(c) Any person who operates a personal watercraft in violation of any of the provisions of this Subchapter shall be guilty of a Class B misdemeanor."

Section 4. The Department of Natural Resources and Environmental Control is hereby authorized and directed to establish, subject to any necessary appropriations, an educational safety program for the operation of jet skis, surf skis, ski craft and other personal watercraft. Each person under eighteen years of age who operates such watercraft shall be required to participate in any safety program established by the Department. The Secretary of the Department or his designee shall establish the program criteria and content, and shall determine the minimum safety skills that are necessary for minors to operate personal watercraft.

Approved July 18, 1991.

CHAPTER 186

FORMERLY

SENATE BILL NO. 115

AN ACT TO AMEND CHAPTER 42, VOLUME 53, LAWS OF DELAWARE, AS AMENDED, ENTITLED "AN ACT AMENDING, REVISING AND CONSOLIDATING THE CHARTER OF THE CITY OF SEAFORD".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (two-thirds of all members elected to each House thereof concurring therein):

Section 1. Amend Chapter 42, Volume 53, Laws of Delaware, as amended by Chapter 290, Volume 62, by deleting Section 3 in its entirety and substituting the following in lieu thereof:

"Section 3. The Government of the City and the exercise of all power conferred by this charter, except as otherwise provided herein, shall be rested in a Mayor and City Council. The term of the Mayor of the City of Seaford shall be a period of two (2) years. The City Council shall be composed of five (5) members, each of whose term shall be for a period of three (3) years. Annual salaries of the Mayor and members of the City Council shall be as determined by the City Council."

Section 2. Amend Chapter 42, Volume 53, Laws of Delaware, as amended by Chapter 290, Volume 62, Laws of Delaware, by deleting Section 14, Subparagraph (1) in its entirety and substituting the following in lieu thereof:

"(1) The aggregate amount involved is not more than Ten Thousand Dollars ($10,000.00)."

Section 3. Amend Chapter 42, Volume 53, Laws of Delaware, as amended by Chapter 387, Volume 58 and Chapter 586, Volume 58 and Chapter 71, Volume 60 and Chapter 289, Volume 61 and Chapter 327, Volume 66, by deleting the first sentence of Section 7 (A) and substituting in lieu thereof:

"The annual municipal election shall be held on the first Monday in March of each and every year and shall be conducted by the holding-over members of the City Council or by such other officers as the members of the City Council may designate, either from among themselves or from among the other qualified voters of the City."

Section 4. Amend Chapter 42, Volume 53, Laws of Delaware, as amended by Chapter 387, Volume 58 and Chapter 586, Volume 58 and Chapter 71, Volume 60 and Chapter 289, Volume 61 and Chapter 327, Volume 66, by deleting the second sentence of Section 7 (A) in its entirety and substituting in lieu thereof the following:

"The polls shall be opened at 7:00 a.m. and shall close at 8:00 p.m. prevailing time unless only one candidate has been nominated for each office which has expired and for which nominations have been received."

Section 5. Amend Chapter 42, Volume 53, Laws of Delaware, as amended by Chapter 343, Volume 63 and Chapter 327, Volume 66, by deleting the first sentence of the third paragraph of Section 15(B) which states "The City Manager shall render to the City Council at the first meeting in each and every month a true, accurate and detailed account of all monies collected or received by him in the performance of his duties." in its entirety and substituting the following in lieu thereof:

"The City Manager shall render to the City Council as part of the budget process a true, accurate and detailed account of all monies collected or received by the City during the prior fiscal year."

Approved August 9, 1991.

CHAPTER 187

FORMERLY

HOUSE BILL NO. 281
AS AMENDED BY HOUSE AMENDMENT NO. 1, AND SENATE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 30 AND TITLE 4 OF THE DELAWARE CODE RELATING TO THE ADMINISTRATION AND ENFORCEMENT OF THE REVENUE LAWS OF THE STATE OF DELAWARE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each House thereof concurring therein):

Section 1. Amend Part 1, Title 30 of the Delaware Code by adding thereto Subchapters I, II, III, and IV of a new Chapter 5 to read as follows:

"CHAPTER 5. PROCEDURE, ADMINISTRATION AND ENFORCEMENT

Subchapter I. General Provisions

§501. Application of this chapter.

Except where in conflict with a specific provision within another chapter of this title or, where applicable, a specific provision of Title 4 or a rule of the Delaware Alcoholic Beverage Control Commission, this chapter shall govern the administration,procedures and enforcement of the State revenue laws provided for under Chapters 11, 13, 14, 15, 19, 20, 21, 23, 25, 27, 29, 30 33,41, 43, 53, 54, 55, 61 and 63 of this title; §§3004 and 3005 of Chapter 30 of this title; and subchapter VII of Chapter 5 of Title4.

§502. Definitions.

(a) Meaning of terms, in general. -- Any term used in this Chapter shall have the same meaning as when used in a comparable context in the internal revenue laws of the United States, unless a different meaning is clearly required or unless subsection (b) of this section ascribes a different meaning to such term. Any reference in this chapter to the internal revenue laws of the United States shall mean the Internal Revenue Code of 1986 [26U.S.C. §1, et seq.] and amendments thereto and other laws of the united States relating to federal taxes, as the same are or may become effective for the taxable year.

(b) Specific definitions.-- Whenever used in this title, the following terms shall have the meanings ascribed to them in this subsection-

(1) 'State Tax Commissioner' means the Director of the Division of Revenue.

(2) 'Director' means the Director of the Division of Revenue or the Secretary of Finance of the State of Delaware.

(3) 'Division of Revenue' means the Division of Revenue of the Department of Finance of the State of Delaware.

(4) 'State Tax Department' means the Division of Revenue.

(5) 'Internal Revenue Service' means the Internal Revenue Service of the Department of Treasury of the United States of America.

(6) 'Deficiency' means, in the case of any tax imposed by this title or, where applicable, Title 4, the amount by which such tax so imposed exceeds the excess of--

(A) the sum of the amount shown as the tax by the taxpayer upon his return, if a return was made by the taxpayer and an amount was shown as the tax by the taxpayer thereon, plus the amounts previously assessed (or collected without assessment) as a deficiency, over-

(B) the amount of any abatements, credits or refunds made.

(7) 'Person' means and includes an individual, a trust,estate, partnership, association , company or corporation.

(8) 'Tax' shall be deemed also to refer to license fees imposed under Part III of this title.

(9) 'Title 4,' for purposes of this chapter, shall be deemed to refer only to subchapter VII of Chapter 5 of Title 4.

(10) 'Notice of proposed assessment' means a notice sent to a taxpayer by the Director or his delegate pursuant to §521(c)of this title that tax, interest, penalty, additional amount, or addition to the tax is proposed for assessment and is due.

(11) 'This title,' except when used in reference to specific chapters, sections, or other provisions of Title 30, shall mean Title 30 of the Delaware Code, except §3003 and Chapters 51 and 52.

SUBCHAPTER II. RETURNS AND PAYMENT OF TAX

§510. Due date of the return.

A return prepared in compliance with the provisions of any chapter of this title or, where applicable, Title 4, shall be due on the last day provided for under such provision, or upon such later date as the Director may permit pursuant to any extension of the time to file the return granted in accordance with this chapter.§511. Extension of time for filing and payment.

(a) The Director may grant a reasonable extension of time for the payment of any tax or estimated tax imposed by this title or by Title 4, or any installment thereof, or for filing any return,declaration, statement or other document required, on such terms and conditions as the Director may require.

(b) If any extension of time is granted for the payment of any amount of tax, the Director may require the taxpayer to furnish a bond, or other security, in an amount not exceeding twice the amount of the tax for which the extension of time for payment is granted, on such terms and conditions as the Director may require.

(c) In the case of any return required under Chapter 13 or 15of this title, if a federal extension of time for the filing of a return is granted for federal estate tax purposes, then the time for filing such return required under Chapter 13 or 15 of this title shall be automatically extended for a like period, provided that a copy of the federal extension is furnished to the Director before or with the filing of such return.

(d) In the case of any return required under Chapter 14 of this title, if a federal extension of time for the filing of a return is granted for federal gift tax purposes, then the time for filing such return required under Chapter 14 of this title shall be automatically extended for a like period, provided that a copy of the federal extension is furnished to the Director before or with the filing of such return.

(e) This section shall not preclude or be administered so as to be in conflict with deferred payments under §5316(b) of this title.

§512. Signing of returns and other documents.

(a) Any return, declaration, statement or other document required to be made pursuant to this title or Title 4 shall be signed in accordance with rules or instructions prescribed by the Director. The fact that an individual's name is signed to a return,declaration, statement or other document shall be prima facie evidence for all purposes that such return, declaration, statement or other document was actually signed by such individual and that he signed the return with authority to do so on behalf of the taxpayer.

(b) The making or filing of any return, declaration, statement or other document, or copy thereof, required to be made or filed pursuant to this title or Title 4, including a copy of a federal return, shall constitute a certification by the person making or filing such return, declaration,

statement or other document, or copy thereof, that the statements contained therein are true and that any copy filed is a true copy.

(c) The Director may require that any return or other writing required to be filed with respect to any tax imposed under authority of this title or Title 4 be signed by the maker of such return or writing under oath or affirmation, subject to the penalties of perjury.

§513. General requirements concerning returns; records and statements.

The Director may prescribe rules or regulations with respect to the keeping of records, the content and form of returns and statements and the filing of copies of federal returns and determinations. The Director may require any person, by regulation or notice served on such person, to make such returns, render such statements, or keep such records as the Director may deem sufficient to show whether or not such person is liable under this title or Title 4 for the payment of any tax or for the collection of any tax.

§514. Report of change in federal tax liability.

If the amount of the taxpayer's federal income, estate, or gift tax liability reported on his federal tax return for any taxable period is changed or corrected by the Internal Revenue Service, or other competent authority, the taxpayer shall report to the Director such change or correction in federal tax liability within 90 days after the final determination of such change or correction and shall concede the accuracy of such determination, or state wherein it is erroneous. Any taxpayer filing an amended federal income, estate, or gift tax return shall also file, within 90 days thereafter, the appropriate amended tax return under this title and shall provide to the Director such additional information as the Director may require.

Subchapter III. Procedure and Administration

§521. Examination of return.

(a) Deficiency or overpayment. -- As soon as practicable after any return is filed, the Director shall examine it to determine the correct amount of tax. If the Director finds that the amount of tax shown on the return is less than the correct amount, the director shall notify the taxpayer in writing of the amount of the deficiency proposed to be assessed. If the Director finds that the tax that has been paid by the taxpayer is more than the correct amount, the Director shall credit the overpayment against any taxes to which this chapter applies and which are due to this State by the taxpayer and shall refund the difference to the taxpayer.

(b) No return filed. -- If the taxpayer fails to file any return of tax required to be filed, the Director shall estimate from any available information the taxpayer's taxable amount, and the tax thereon, and shall notify the taxpayer in writing of the amount proposed to be assessed against the taxpayer as a deficiency.

(c) Notice of proposed assessment. -- A notice of proposed assessment shall (i) be in writing, (ii) state that tax, interest,penalty, additional amount, or addition to tax is proposed for assessment and is due, and (iii) set forth the amount and the reason for the proposed assessment. Such notice shall be mailed by the Director within the time limit provided by §531 of this title(by certified or registered mail if the amount of the proposed assessment exceeds $500) to the taxpayer at his last known address.In the case of a joint return of personal income tax, a notice of proposed assessment shall be a single joint notice, except that if the Director is notified by either spouse in writing that separate addresses have been established, the Director shall mail a joint notice to each spouse at each such address. In the case of a combined separate return of personal income tax, a single notice of proposed assessment shall be sent by the Director to the taxpayers' last known address except that, if the Director is notified by either spouse in writing that separate addresses have been established, the Director shall mail separate notices to each spouse, using reasonable means to allocate the proposed assessment between the spouses. If the taxpayer is deceased, under a legal disability or is a corporation which has terminated its existence,a notice of proposed assessment shall be mailed to such taxpayer's last known address, except that if the Director has received notice of the existence of a fiduciary relationship with respect to such taxpayer, such notice shall be mailed to the

last known address of such fiduciary. Except where the Director determines that collection would be jeopardized by delay, no notice of proposed assessment of any tax shall be mailed prior to the last date,including any date fixed by extension, prescribed for the payment of such tax.

(d) Supplemental notice of proposed assessment. -- The Director may, at any time within the period prescribed for issuance of a notice of proposed assessment, issue a supplemental notice of proposed assessment, subject to the other provisions of this section, whenever it is found that any notice is imperfect or incomplete in any material respect. Any reference in this title to a notice of proposed assessment shall be deemed to include a reference to a supplemental notice of proposed assessment issued under the authority of this subsection.

§522. Assessment final if no protest.

Sixty days after the date on which it was mailed (thirty days in the case of a proposed assessment of withholding taxes, or, in the case of other taxes imposed by Chapter 11 of this title, 120days if the taxpayer is outside the United States), a notice of proposed assessment under §521(c) of this title shall constitute a final assessment of the amount of tax, interest, penalties, additional amounts and additions to the tax specified in such notice, excepting only those amounts as to which the taxpayer has filed a timely protest with the Director under §523 of this title.

§523. Protest by taxpayer.

Within sixty days (thirty days in the case of withholding taxes, or, in the case of other taxes imposed by Chapter 11 of this title, 120 days if the taxpayer is outside the United States) after the date of the mailing of a notice of proposed assessment under§521(c) of this title or the date of the mailing of a notice of the disallowance of a claim for credit or refund under §542 of this title, the taxpayer may file with the Director a written protest against the proposed assessment or disallowance in which the taxpayer shall set forth the grounds upon which the protest is based. If such a protest is filed, the Director shall reconsider the proposed assessment or disallowance of claim for credit or refund and, if the taxpayer has so requested, shall grant the taxpayer or his authorized representative an oral hearing.

§524. Notice of determination after protest.

Written notice of the Director's determination under §523 of this title shall be mailed to the taxpayer by certified or registered mail, and such notice shall set forth the Director's findings of fact and the basis of any determination which is adverse, in whole or in part, to the taxpayer.

§525. Determination of Director final. The determination of the Director under §524 of this title on the taxpayer's protest shall be final (and such determination shall constitute a final assessment of any amount determined by the director to be due) upon the expiration of sixty days (thirty days in the case of withholding taxes, or, in the case of other taxes imposed by Chapter 11 of this title, 120 days if the taxpayer is outside the United States) from the date when the Director mails notice of his determination to the taxpayer, unless within such period the taxpayer seeks review of the Director's determination pursuant to the provisions of §544 of this title.

§526. Burden of proof.

(a) In any proceeding before the Director under this chapter, the burden of proof shall be on the taxpayer, except with respect to the following issues, as to which the burden of proof shall be on the Director:

(1) Whether the taxpayer has been guilty of fraud;

(2) Whether the petitioner is liable as the transferee (within the meaning of §560 of this title) of property of a taxpayer (but not to show that the taxpayer was liable for the tax); and

(3) Whether the taxpayer is liable for any increase in a deficiency where such increase is asserted initially after the notice of proposed assessment under §521(c) of this title was mailed and a protest under §523 of this title was filed, unless such increase in deficiency is the result of a

change or correction of federal tax liability required to be reported under §514 of this title and of which change or correction the Director had no notice at the time he mailed the notice of proposed assessment.

(b) In any proceeding before the Tax Appeal Board under this chapter, the burden of proof shall be upon the taxpayer, except with respect to the issues described in paragraphs (1) and (2) of subsection (a) of this section, as to which the burden of proof shall be on the Director.

§527. Evidence of related federal determination.

A federal administrative determination of issues raised in a proceeding under §523 or §544 of this title shall be admissible as presumptive evidence in such proceeding, but such determination shall not be conclusive.

§528. Mathematical error.

(a) If the amount of tax shown on the taxpayer's return is understated due to a mathematical or clerical error, the Director shall notify the taxpayer in writing that an amount of tax in excess of that shown on the return is due and has been assessed. Each notice under this subsection shall expressly state the error alleged. Such additional tax and any interest thereon shall,subject to the right of protest under subsection (b) of this section, be deemed assessed on the date of filing or the due date of the return, whichever is later.

(b) Notwithstanding the provision for immediate assessment under subsection (a) of this section, a taxpayer may file with the Director, within sixty days after notice of the assessment is sent,a written protest of the assessment under the provisions of §523 of this title. In the taxpayer's protest, he shall set forth the reasons he believes he has not made a mathematical or clerical error in the preparation of his return or calculation of the tax due.

§529. Time for performing certain acts postponed by reason of service in combat zone.

(a) In the case of an individual serving in the Armed Forces of the United States, or serving in support of such Armed Forces,in an area designated by the President of the United States by Executive order as a 'combat zone' for purposes of §112 of the Internal Revenue Code [26 U.S.C. §112], at any time during the period designated by the President by Executive order as the period of combatant activities in such zone for purposes of such section,or hospitalized as a result of injury received while serving in such an area during such time, the period of service in such area,plus the period of continuous qualified hospitalization attributable to such injury, and the next 195 days thereafter,shall be disregarded in determining under this title (other than Chapters 30, 51 and 52), in respect of any tax liability (including any interest, penalty, additional amount, or addition to the tax)of such individual --

(1) Whether any of the following acts was performed within the time prescribed therefor:

(A) Filing any return of income, estate, inheritance or gift tax (except income tax withheld at source);

(B) Payment of any income, estate, inheritance or gift tax (except income tax withheld at source) or any installment thereof or any other liability to this State in respect thereof;

(C) Filing a protest with the Director under §523 of this title, filing a petition with the Tax Appeal Board under §544 of this title or filing an appeal of a decision rendered by the Tax Appeal Board under §331 of this title;

(D) Allowance of a credit or refund of any tax;

(E) Filing a claim for credit or refund of any tax;

(F) Assessment of any tax;

(G) Giving or making any notice or demand for the payment of any tax, or with respect to any liability to this State in respect of any tax;
(H) Collection of the amount of any liability in respect of any tax;
(I) Bringing suit or commencing any action, including the filing of any certificate or warrant, by this State or any officer on its behalf, in respect of any liability in respect of any tax; and

(J) Any other act required or permitted under this title (other than Chapters 30, 51 and 52) specified in regulations prescribed under this section by the Director;

(2) The amount of any credit or refund (including interest).

(b)(1) Except to the extent provided in paragraph (2) of this subsection, subsection (a) of this section shall not apply for purposes of determining the amount of interest on any overpayment of tax.

(2) If an individual is entitled to the benefits of subsection (a) of this section with respect to any return and such return is timely filed (determined after the application of such subsection (a)), interest shall be allowed on any overpayment commencing with the forty-sixth day after the due date for the return (determined after the application of such subsection (a)).

(c) The provisions of this section shall apply to the spouse of any individual entitled to the benefits of subsection (a) of this section. Except in the case of the combat zone designated for purposes of the Vietnam conflict, the preceding sentence shall not cause this section to apply to any spouse for any taxable year beginning more than 2 years after the date designated under §112 of the Internal Revenue Code [26 U.S.C. §112] as the date of termination of combatant activities in a combat zone.

(d) The period of service in the area referred to in subsection (a) of this section shall include the period during which an individual entitled to benefits under said subsection (a)is in a missing status, within the meaning of §6013(f)(3) of the Internal Revenue Code [26 U.S.C. §6013(f)(3)].

(e) (1) Notwithstanding the provisions of subsection (a) of this section, any action or proceeding authorized by §560, §561, or §1221 of this title (regardless of the taxable period for which the tax arose), as well as any other action or proceeding authorized by law in connection therewith, may be taken, begun or prosecuted. In any other case in which the Director determines that collection of the amount of any assessment would be jeopardized by delay, the provisions of subsection (a) of this section shall not operate to stay collection of such amount as authorized by law. There shall be excluded from any amount assessed or collected pursuant to this paragraph the amount of interest, penalty, additional amount, and addition to the tax, if any, in respect of the period disregarded under subsection (a) of this section. In any case to which this paragraph relates, if the Director is required to give any notice to or make any demand upon any person, such requirement shall be deemed to be satisfied if the notice or demand is prepared and signed, in any case in which the address of such person last known to the Director is in any area for which United States post offices under instructions of the Postmaster General of the United States are not, by reason of combatant activities, accepting mail for delivery at the time the notice or demand is signed. In such case the notice or demand shall be deemed to have been given or made upon the date it is signed.

(2) The assessment or collection of any tax or of any liability to this State in respect of any tax, or any action or proceeding by or on behalf of this State in connection therewith,may be made, taken, begun, or prosecuted in accordance with law,without regard to the provisions of subsection (a) of this section,unless prior to such assessment, collection, action, or proceeding it is ascertained that the person concerned is entitled to the benefits of subsection (a) of this section.

(f) (1) Any individual who performed Desert Shield services (and the spouse of such individual) shall be entitled to the benefits of this section in the same manner as if such services were referred to in subsection (a) of this section.

(2) For purposes of this subsection, the term 'Desert Shield services' means any services in the Armed Forces of the United States or in support of such Armed Forces if--

(A) such services are performed in the area designated by the President pursuant to this subparagraph as the 'Persian Gulf Desert Shield Area', and

(B) such services are performed during the period beginning on August 2, 1990, and ending on the date on which any portion of the area referred to in subparagraph (A) is designated by the President as a combat zone pursuant to section 112 of the internal Revenue Code [26 U.S.C. §112].

(g) For purposes of subsection (a) of this section, the term 'qualified hospitalization' means--

(1) any hospitalization outside the United States, and

(2) any hospitalization inside the United States,except that not more than 5 years of hospitalization may be taken into account under this paragraph.

Paragraph (2) of this subsection shall not apply for purposes of applying this section with respect to the spouse of any individual entitled to the benefits of subsection (a) of this section.

§530. Assessment of tax.

(a) The amount of tax which is shown to be due on any return(including any additional amount subject to notice under §528(a) as a result of a mathematical or clerical error) shall be deemed to be assessed on the date of filing such return, and an increase in such tax which is shown on an amended return shall be deemed to be assessed on the date of filing such amended return. In the case of a return filed without the computation of the tax, the tax computed by the Director shall be deemed to be assessed on the date when payment of such tax is due. If a notice of proposed assessment has been mailed pursuant to §521(c) of this title, the amount of the proposed assessment shall be deemed to be assessed, if no protest under §523 of this title is timely filed, on the date provided in§522 of this title, or, if such a protest is timely filed, on the date when the determination of the Director becomes final pursuant to §525 of this title; provided, however, that, if the taxpayer seeks review of the Director's determination pursuant to the provisions of §544 of this title, the amount of the proposed assessment shall not be deemed to be assessed until the expiration of sixty days (thirty days in the case of withholding taxes, or, in the case of other taxes imposed by Chapter 11 of this title, 120 days if the taxpayer is outside the United States) from the first date when (i) the determination of the Tax Appeal Board under §544of this title becomes final and not subject to judicial review under §331 of this title, or (ii) if the taxpayer appeals from the Tax Appeal Board determination pursuant to §331 of this title, an order of the Superior Court of the State or the Supreme Court of the State entered upon the decision on such appeal becomes final and not subject to appeal. If an amended return or report filed pursuant to §514 of this title concedes the accuracy of a federal change or correction, any deficiency in tax under this title resulting therefrom shall be deemed to be assessed on the date of filing such amended return or report, and such assessment shall be deemed timely notwithstanding any other provisions of this chapter. Any amount paid as a tax, or in respect of a tax, other than amounts withheld at the source or paid as estimated income tax,shall be deemed to be assessed upon the date of the Director's receipt of payment, notwithstanding any other provision of this title.

(b) If the mode or time for the assessment of any tax under this Title or Title 4, including interest, penalties, additional amounts and additions to the tax, is not otherwise provided for, the director may establish the same by regulations.

(c) The Director may, at any time within the period prescribed for assessment, make a supplemental assessment, subject to the provisions of §521 of this title where applicable, whenever it is found that any assessment is imperfect or incomplete in any material respect.

§531. Limitations on assessment.

(a) Except as otherwise provided in this section, a notice of proposed assessment under §521(c) of this title shall be mailed to the taxpayer within 3 years after the return was filed (whether or not such return was filed on or after the date prescribed). No deficiency shall be assessed or collected with respect to the taxable period for which a return was filed unless such notice is mailed within such 3-year period, or within the period otherwise prescribed in this section.

(b) In the case of a deficiency in any license fee or tax under Part III of this title, a notice of proposed assessment under§521(c) of this title shall be mailed to the taxpayer within 3years after the expiration date of the license to which the proposed assessment relates.

(c) If no return is filed, or if a false and fraudulent return is filed with intent to evade any tax imposed by this title or Title4, a notice of proposed assessment under §521(c) of this title may be mailed to the taxpayer at any time.

(d) If the taxpayer fails to comply with the requirement of §514of this title by not reporting a change or correction to his federal income, gift, or estate tax return, or by not filing an amended return under this title, a notice of proposed assessment under §521(c) of this title may be mailed to the taxpayer at any time.

(e) If the taxpayer shall, pursuant to §514 of this title, report a change or correction or file an amended federal income, gift, or estate tax return increasing his federal tax liability, a notice of proposed assessment under §521(c) of this title with respect to such change or correction (if not otherwise deemed to have been assessed under §530(a) of this title upon the filing of such report or amended return) may be mailed to the taxpayer at any time within2 years after such report or amended return was filed.

(f) Where, before the expiration of the time prescribed in this section for the mailing of a notice of proposed assessment under §521(c) of this title, both the Director and the taxpayer shall have consented in writing to such assessment after such time, the proposed assessment may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon. An agreement between the taxpayer and the Internal Revenue Service providing for the extension of the period for assessment of federal income taxes shall constitute an agreement with the Director to extend the period for assessment of income taxes under this title. A copy of any such agreement between the taxpayer and the Internal Revenue Service shall be filed by the taxpayer with the Director within 30days after its execution.

(g) For purposes of this section, a return filed before the last day prescribed by law or by regulation promulgated pursuant to law for the filing thereof, shall be considered as filed on such last day.

§532. Recovery of erroneous refund.

(a) An erroneous refund shall be considered an underpayment of tax on the date such refund was made, and a notice of proposed assessment under §521(c) of this title with respect to such refund may be mailed to the taxpayer at any time within the later of:

(1) 2 years from the making of such refund, or

(2) the limitation period provided by §531 of this title.

(b) As to any part of an erroneous refund that was induced by fraud or by the intentional misrepresentation of a material fact, a notice of proposed assessment under §521(c) of this title with respect to such refund may be mailed to the taxpayer at any time.

§533. Interest on underpayment.

(a) If any amount of tax, including tax required to be withheld by an employer, and including penalties, additional amounts and additions to the tax, imposed by this title or Title 4 is not paid on or before the last date prescribed for payment, interest on such amount at the rate of 1% per month, or fraction thereof, shall be payable for the period from such last date to the date such amount is paid, and from and after the date the assessment of such interest becomes final under §522 or §530 of this title to the date such amount is paid, such interest shall compound monthly. No interest shall be imposed if the amount due is less than $1, nor shall this section apply to any failure to pay estimated income tax under §1170 or §1904 of this title.

(b) For purposes of this section, the last date prescribed for payment of any tax shall be determined without regard to any extension of time.

(c) Interest prescribed under this section on any tax, including tax required to be withheld by an employer, and including penalties, additional amounts and additions to the tax, shall be assessed, collected and paid in the same manner as taxes. After an initial assessment of interest upon any amount of tax, penalty,additional amount or addition to the tax, interest shall continue to accrue on the unpaid balance of such amount until such amount has been paid in full, except as otherwise provided in subsection(e) of this section, and no further assessment of such interest shall be made.

(d) Interest shall be imposed under this section in respect of any penalty, additional amount or addition to the tax from the date of the notice of proposed assessment under §521(c) of this title of such penalty, additional amount or addition to the tax to the date of payment thereof.

(e) If a proposed assessment is made with respect to any amount,and if such amount is paid within 10 days after the date of the notice of proposed assessment thereof under §521(c) of this title,interest under this section on the amount so paid shall not be imposed for the period after the date of such notice.

(f) If any portion of a tax is satisfied by credit of an overpayment, then no interest shall be imposed under this section on the portion of the tax so satisfied for any period during which,if the credit had not been made, interest would have been allowable with respect to such overpayment.

(g) Any portion of any tax imposed, or any interest, penalty, additional amount or addition to the tax, which has been erroneously refunded and which is recoverable by the Director,shall bear interest at the rate of 1% per month, or fraction thereof, from the date of payment of such refund to the date of its recovery by the Director, and from and after the date the assessment of such interest becomes final under §522 or §530 of this title to the date of such recovery, such interest shall compound monthly.

(h) Interest prescribed under this section on any tax may be assessed and collected at any time during the period within which the tax, penalty, additional amount or addition to the tax to which such interest relates may be collected.

§534. Failure to file tax return or to pay tax.

(a) In case of failure to file any return required under authority of this title or Title 4 on or before the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be added to the amount required to be shown as tax on such return 5% of the amount of such tax if the failure is for not more than 1 month, with an additional 5% for each additional month or fraction thereof during which such failure continues, not exceeding 50% in the aggregate.For purposes of this subsection, the amount of tax required to be shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the date prescribed for payment of the tax and by the amount of any credit against the tax which may be claimed on the return.

(b) (1) In case of failure to pay the amount shown as tax on any return specified in subsection (a) of this section on or before the date prescribed

for payment of such tax (determined with regard to any extension of time for payment), unless it is shown that such failure is due to reasonable cause and not due to willful neglect,there shall be added to the amount shown as tax on such return 0.5% of the amount of such tax if the failure is for not more than 1 month, with an additional 0.5% for each additional month or fraction thereof during which such failure continues, not exceeding 25% in the aggregate. For purposes of computing such addition for any month, the amount of tax shown on the return shall be reduced by the amount of any part of the tax which is paid on or before the beginning of such month and by the amount of any credit against the tax which may be claimed on the return. If the amount required to be shown as tax on the return is less than the amount shown as tax on the return, this paragraph shall be applied by substituting such lower amount.

(2) In the case of failure to pay any amount in respect of any tax required to be shown on a return specified in subsection(a) of this section which is not so shown (including an assessment made pursuant to §528(a) of this title) within 10 days after any assessment thereof becoming final, unless it is shown that such failure is due to reasonable cause and not due to willful neglect,there shall be added to the amount of tax stated in the notice of proposed assessment 0.5% of the amount of such tax if the failure is for not more than 1 month, with an additional 0.5% for each additional month or fraction thereof during which such failure continues, not exceeding 25% in the aggregate. For purposes of computing such addition for any month, the amount of tax stated in the notice of proposed assessment shall be reduced by the amount of any part of the tax which is paid before the beginning of such month.

(c)(1) If any partnership required to file a return under§1174(a) of this title for any taxable year fails to file such return by the date prescribed therefor (determined with regard to any extension of time for filing) or files a return which fails to show the information required under §1174(a) of this title, such partnership shall be liable for a penalty determined under paragraph (2) of this subsection for each month, or fraction thereof, during which such failure continues (but not to exceed 5 months), unless it is shown that such failure was due to reasonable cause.

(2) For purposes of paragraph (1) of this subsection, the amount of penalty for any month is the product of $25, multiplied by the number of persons who were partners in the partnership during any part of the taxable year; provided, however, that the maximum penalty for any taxable year shall not exceed $10,000.

(3) The penalty prescribed by this subsection shall be assessed against and shall be payable by the partnership, and the deficiency and appeal procedures provided in §§521-526 of this title shall not apply; provided, however, that the Director shall mail written notice of such penalty to the partnership, which may, within 60 days from the date of the mailing of such notice,institute a protest of such penalty to the Director, whose determination shall be final.

(d)(1) If any partnership required to file a return or 1 or more Schedules K-1 under §1174(b) of this title for any taxable year fails to file such return or Schedules K-1 by the date prescribed therefor (determined with regard to any extension of time for filing), such partnership shall be liable for a penalty determined under paragraph (2) of this subsection for each month, or fraction thereof, during which such failure continues (but not to exceed 5months), unless it is shown that such failure was due to reasonable cause.

(2) For purposes of paragraph (1) of this subsection, the amount of penalty for any month is $25, multiplied by the number of Schedules K-1 required to have been filed under §1174(b) of this title; provided, however, that the maximum penalty for any taxable year shall not exceed $10,000.

(3) The penalty prescribed by this subsection shall be assessed against and shall be payable by the partnership, and the deficiency and appeal procedures provided in §§521-526 of this title shall not apply; provided, however, that the Director shall mail written notice of such penalty to the partnership, which may,within 60 days from the date of the mailing of such notice,institute a protest of such penalty to the Director, whose determination shall be final.

(e) This section shall not apply to any failure to file a declaration of estimated tax or to pay any estimated tax.

(f) In case of each failure to file a statement of payment to another person required under the authority of this title,including the duplicate statement of tax withheld on wages, by the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause and not due to willful neglect, there shall be paid by the person so failing to file such statement, in the same manner as tax, a penalty of $2 for each such failure, but the total amount imposed on the delinquent person for all such failures during any calendar year shall not exceed $2,000.

(g) The Director shall assess a penalty of $500 against any individual who files what purports to be a return of any tax imposed by this title or Title 4 but which:

(1) does not contain information on which the substantial correctness of the self-assessment may be judged or contains information that on its face indicates that the self-assessment is substantially incorrect; and

(2) evidences a position that is frivolous or a desire to delay or impede the administration of the revenue laws of this State.

(h)(1) In case of a failure to file any personal income tax return required under authority of Chapter 11 of this title on or before the date prescribed therefor (determined with regard to any extension of time for filing), unless it is shown that such failure is due to reasonable cause, and if it is determined that the taxpayer would have otherwise been due a refund of taxes if such return had been filed, the taxpayer shall be liable for a penalty equal to the lesser of $35 or the refund due on such return.

(2) The deficiency and appeal procedures provided in §§521-526of this title shall not apply to the penalty prescribed by this subsection; provided, however, that the Director shall mail written notice of such penalty to the taxpayer, who may, within 60 days from the date of the mailing of such notice, institute a protest of such penalty to the Director, whose determination shall be final.

(i) With respect to any return, the amount of the addition to the tax under subsection (a) of this section shall be reduced by the amount of the addition to the tax under subsection (b) of this section for any month (or fraction thereof) to which an addition to the tax is applied under both such subsections (a) and (b). In any case described in subsection (h) of this section, the amount of the addition to tax under subsection (a) of this section shall not be reduced under the preceding sentence below the amount provided in such subsection (h).

(j) If any failure to file any return is fraudulent, subsection (a) of this section shall be applied by substituting'15%' for '5%' each place it appears and by substituting '75%' for'50%'.

§535. Fraud and other penalties.

(a) If any part of any underpayment of tax required to be shown on a return is due to fraud, there shall be added to the tax an amount equal to 75% of the portion of the underpayment which is attributable to fraud. If the Director establishes that any portion of an underpayment is attributable to fraud, the entire underpayment shall be treated as attributable to fraud, except with respect to any portion of the underpayment which the taxpayer establishes (by a preponderance of the evidence) is not attributable to fraud. In the case of a joint return, this section shall not apply with respect to a spouse unless some part of the underpayment is due to the fraud of such spouse. For purposes of this subsection, 'underpayment' shall have the meaning ascribed to such term in §6664(a) of the Internal Revenue Code [26 U.S.C.§6664(a)], or successor provisions. The penalty prescribed by this subsection shall apply only in cases where a return of tax is filed.

(b) If an individual subject to tax under Chapter 11 of this title fails to file a declaration of estimated tax, or fails to pay all or any part of an installment of tax imposed under Chapter 11of this title, such individual shall be deemed to have made an underpayment of estimated tax, and there shall be added to the tax an amount equal to 1 1/2% per month, or fraction thereof, of the amount of such underpayment for the period of the underpayment. The

Director shall determine the amount of an underpayment of estimated tax by an individual in a manner consistent with the internal revenue laws of the United States.

(c) (1) In the case of any underpayment of tentative tax or installment of estimated tax required by Chapter 19 of this title,there shall be added to the tax for the taxable year an amount equal to 1 1/2% per month, or fraction thereof, of the amount of such underpayment for the period of the underpayment.

(2) For purposes of paragraph (1) of this subsection, the amount of the underpayment shall be the excess of:

(A) the amount of the tentative tax or installment payment which would be required to be made if the estimated tax were equal to 80% of the tax shown on the final return for the taxable year, or if no such return was filed, 80% of the tax for such taxable year, over

(B) the amount, if any, of the tentative tax or the installment paid on or before the last date prescribed for payment.

(3) For purposes of paragraph (1) of this subsection, the period of the underpayment shall run from the date the tentative tax or installment was required to be paid to the first day of the fourth month following the close of the taxable year, or to the date on which paid, whichever is earlier.

(4) Notwithstanding the foregoing provisions of this subsection, no addition to tax shall be imposed under this subsection if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment thereof equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were the tax shown on the final return of the taxpayer for the preceding taxable year.

(5) In the case of a large corporation, paragraph (4) of this subsection shall not apply. For purposes of this paragraph, the term 'large corporation' means any corporation if such corporation(or any predecessor corporation) had Delaware taxable income of$200,000 or more for any of the 3 taxable years immediately preceding the taxable year involved.

(d) If any employer fails to pay the amount shown as tax on any withholding return filed pursuant to §1154 of this title, there shall be added to the tax an amount equal to 0.5% of the tax required to be shown on such return for each month, or fraction thereof, during which such failure continues, not exceeding 25% in the aggregate. Such employer shall be liable for the payment of such additions to tax, and it shall not be collected from the employee.

(e) Any person required under this title to collect, account for and pay over any tax imposed by this title, other than §3002 and Chapters 51 and 52, who willfully fails to collect or truthfully account for and pay over such tax, or willfully attempts in any manner to evade or defeat any such tax or the payment thereof,shall, in addition to other penalties provided by law, be liable for a penalty equal to the total amount of the tax evaded, or not collected, or not accounted for and paid over. No addition to tax under subsection (a) of this section shall be imposed for any action or failure to act to which this subsection applies.

(f) In addition to any criminal penalty provided by law, any person who willfully fails to pay, or to deduct or withhold and pay, any tax imposed under authority of this title or Title 4, or to make tender, sign or certify any return or declaration of estimated tax, or to supply any information within the time required by or under this title or Title 4, shall be liable for a penalty of not more than $3,000, in addition to any other amounts prescribed under this title, that shall be assessed and collected by the Director.

(g)(1) In addition to any criminal penalty provided by law, the Director shall assess a penalty of $500 whenever:

(A) Any individual makes a false statement under §1151 of this title which results in a decrease in the amounts deducted and withheld under subchapter VII of Chapter 11 of this title; and

(B) As of the time such statement was made, there was no reasonable basis for such statement.

(2) The Director may waive in whole or in part the penalty imposed under paragraph (1) of this subsection if the taxes imposed with respect to the individual under subchapter VII of Chapter 11of this title for the taxable year are equal to or less than the sum of:

(A) The credits against such taxes allowed by said subchapter; and

(B) The payments of estimated tax on account of such taxes.

(h) Penalties prescribed under the provisions of this chapter shall be additions to tax and shall be assessed, collected and paid in the same manner as taxes.

(i) For purposes of subsection (a) of this section (relating to underpayments due to fraud), the amount shown as the tax by the taxpayer upon his return shall be taken into account in determining the amount of the underpayment only if such return was filed on or before the due date of such return, determined with regard to any extension of time for such filing.

(j) If any check or money order in payment of any amount receivable under this title or Title 4 is not duly paid, in addition to any other penalties provided by law, there shall be paid as a penalty by the person who tendered such check or money order an amount equal to 2% of the amount of such check or money order, except that if the amount of such check or money order is less than $750, the penalty under this subsection shall be $15 or the amount of such check or money order, whichever is the lesser. This subsection shall not apply if the person tendered such check or money order in good faith and with reasonable cause to believe it would be duly paid.

(k)(1) If --

(A) any part of any understatement of liability with respect to any return or claim for refund is due to a position for which there was not a realistic possibility of being sustained on its merits;

(B) any person who is an income tax return preparer with respect to such return or claim knew (or reasonably should have known) of such position; and

(C) the relevant facts affecting the tax treatment of the item affected by such position were not adequately disclosed in such return or claim or in a statement attached to such return or claim (or in a federal return or a statement attached thereto, a copy of which was filed with such return or claim) or was frivolous, such person shall pay a penalty of $250 with respect to such return or claim unless it is shown that there is reasonable cause for the understatement and such person acted in good faith.

(2) If any part of any understatement of liability with respect to any return or claim for refund is due --

(A) to a willful attempt in any manner to understate the liability for tax by a person who is an income tax return preparer with respect to such return or claim, or

(B) to any reckless or intentional disregard of rules or regulations by any such person, such person shall pay a penalty of $1,000 with respect to such return or claim. With respect to any return or claim, the amount of the penalty payable by any person by reason of this paragraph shall be reduced by the amount of any penalty paid by such person by reason of paragraph (1) of this subsection.

(3) (A) If at any time there is a final administrative determination or a final judicial decision that there was no understatement of liability in the case of any return or claim for refund with respect to which a penalty under paragraph (1) or (2)of this subsection has been assessed, such assessment shall be abated, and if any portion of such penalty has been paid the amount so paid shall be refunded to the person who made such payment as an

overpayment of tax without regard to any period of limitations which, but for this subparagraph, would apply to the making of such refund.

(B) For purposes of this subsection, the term 'understatement of liability' means any understatement of the net amount payable with respect to the tax imposed under Chapter 11 or Chapter 19 of this title or any overpayment of the net amount creditable or refundable with respect to any such tax. Except as otherwise provided in subparagraph (A) of this paragraph, the determination of whether or not there is an understatement of liability shall be made without regard to any administrative or judicial action involving the taxpayer.

(l) Any person who --

(1) aids or assists in, procures, or advises with respect to, the preparation or presentation of any portion of a return, affidavit, claim, or other document,

(2) knows or has reason to believe that such portion will be used in connection with any material matter arising under this title or Title 4, and

(3) knows that such portion (if so used) would result in an understatement of the liability for tax of another person,shall pay a penalty with respect to each such document in the amount determined in accordance with, and subject to the limitations contained in, §6701 of the Internal Revenue Code [26U.S.C. §6701], or successor provision. Except as provided in subsection (m) of this section, the penalty imposed by this subsection shall be in addition to any other penalty provided bylaw.

(m) No penalty shall be assessed under subsection (k) of this section on any person with respect to any document for which a penalty is assessed on such person under subsection (l) of this section.

§536. Accuracy-related penalty.

(a) If this section applies to any portion of an underpayment of any tax imposed by this title or Title 4 required to be shown on a return, there shall be added to the tax an amount equal to 20%(40% in the case of gross valuation misstatements) of the portion of the underpayment to which this section applies.

(b) This section shall apply to the portion of any underpayment which is attributable to one or more of the following:

(1) Negligence or disregard of rules and regulations.

(2) Any substantial understatement of tax.

(3) Any substantial valuation misstatement with regard to any tax imposed by Chapter 11 or 19 of this title.

(4) Any substantial estate or gift tax valuation understatement with respect to any tax imposed by Chapter 13,Chapter 14, or Chapter 15 of this title.

(c) For purposes of subsection (b) of this section, the following terms shall have the meanings ascribed to such terms in§6662 of the Internal Revenue Code [26 U.S.C.§6662], or successor provisions, except that '$1,500' shall be substituted for '$5,000'and '$3,000' shall be substituted for '$10,000' each place such dollar amounts appear in the said §6662:

(1) 'negligence,'

(2) 'disregard,'

(3) 'substantial understatement of income tax,'

(4) 'substantial valuation misstatement,'

(5) 'substantial estate or gift tax valuation understatement,' and

(6) 'gross valuation misstatement.'

(d) For purposes of determining under subsection (b) of this section whether a portion of any underpayment is attributable to one or more of the items specified in paragraphs (1) through (4) of such subsection (b), the provisions of §6662 of the Internal Revenue Code [26 U.S.C. §6662], or successor provisions, shall be applied in the same manner as if such provisions were applicable to the taxes imposed by this title or Title 4.

(e) For purposes of this section, 'underpayment' shall have the meaning ascribed to such term in §6664(a) of the Internal revenue Code [26 U.S.C. §6664(a)], or successor provision. The penalty prescribed by this section shall apply only in cases where a return of tax is filed.

§537. Authority to make credits or refunds.

(a) In the case of any overpayment, the Director, within the applicable period of limitations, may credit the amount of such overpayment, including any interest allowed thereon, against any liability in respect of any tax imposed by the tax laws of this State on the person who made the overpayment, and the balance shall be refunded by the Director to such person.

(b) If the amount allowable as a credit for tax withheld from the taxpayer exceeds the tax to which the credit relates, the excess shall be considered an overpayment by the taxpayer for purposes of subsection (a) of this section.

(c) In the case of an overpayment of tax required to be deducted and withheld under §1151 of this title, refund or credit shall be made to the employer only to the extent that the amount of such overpayment was not deducted and withheld by the employer.

(d) If any amount of tax is assessed or collected after the expiration of the period of limitations properly applicable thereto, such amount shall be considered an overpayment for purposes of subsection (a) of this section.

§538. Abatements.

(a) The Director is authorized to abate the unpaid portion of the assessment of any tax, interest, penalty, additional amount, or addition to the tax, or any liability in respect thereof, which is:

(1) excessive in amount,

(2) assessed after the expiration of the period of limitations properly applicable thereto, or

(3) erroneously or illegally assessed.

(b) The Director is authorized to abate any portion (whether or not theretofore paid) of the assessment of any tax, interest, penalty, additional amount, or additions to the tax, or any liability in respect thereof, if he determines under uniform rules prescribed by him that the administration and collection costs involved would not warrant collection of the amount due.

§539. Limitations on credit or refund.

(a) Claim for credit or refund of an overpayment of any tax imposed by this title or Title 4 shall be filed by the taxpayer within 3 years from the last date prescribed for filing the return(or in the case of license fees or taxes under Part III of this title, 3 years from the expiration date of the license to which such overpayment relates) or within 2 years from the time the tax was paid, whichever of such periods expires the later, or if no return was filed by the taxpayer, within 2 years from the time the tax was paid. No credit or refund shall be allowed or made after the expiration of the period of limitation prescribed in the preceding sentence for the filing of a claim for credit or refund,unless a claim for credit or refund is filed with the Director by the taxpayer within such period.

(b)(1) If the claim for credit or refund was filed by the taxpayer during the 3-year period prescribed in subsection (a) of this section, the amount of the credit or refund shall not exceed the portion of the tax paid within the

period immediately preceding the filing of the claim, equal to 3 years plus the period of any extension of time for filing the return.

(2) If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the 2 years immediately preceding the filing of the claim.

(3) If no claim was filed, the credit or refund shall not exceed the amount which would be allowable under either paragraph(1) or (2) of this subsection, as the case may be, if claim was filed on the date the credit or refund is allowed.

(c) If an agreement under the provisions of §531(f) of this title extending the period for assessment of a tax imposed by this title or Title 4 is made within the period prescribed in subsection (a)of this section for the filing of a claim for credit or refund, (1)the period for filing claim for credit or refund or for making credit or refund if no claim is filed, provided in subsection (a)of this section, shall not expire prior to 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof under §531(f) of this title; and (ii) if a claim is filed, or a credit or refund is allowed when no claim was filed, after the execution of the agreement and within 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof, the amount of the credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection(b) of this section if a claim had been filed on the date the agreement was executed.

(d) If the taxpayer is required by §514 of this title to report a change or correction in federal income, estate, or gift tax liability reported on his federal tax return for any taxable period, or to file an amended tax return under this title with the Director, claim for credit or refund of any resulting overpayment of tax under this title shall be filed by the taxpayer within 2 years from the time such report or amended return was required to be filed with the Director. If such a report or amended return required by §514 of this title is not filed within the 90-day period specified in that section, interest on any resulting creditor refund shall not accrue for the period after such ninetieth day and prior to the forty-fifth day after the date of filing the claim for credit or refund. The amount of any such credit or refund shall not exceed the amount of the reduction in tax attributable to such federal change or correction or attributable to the items amended on the taxpayer's amended federal tax return. This subsection shall not affect the time within which a claim for credit or refund may be filed, or the amount for which a credit or refund may be made, without regard to this subsection.

(e) If the claim for credit or refund relates to an overpayment attributable to a net operating loss carry back or a capital loss carry back, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends 3 years after the time prescribed by law for filing the return(including extensions thereof) for the taxable year of the net operating loss or net capital loss which results in such carry back, or the period prescribed in subsection (c) of this section in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b) or (c) of this section, whichever is applicable, to the extent of the amount of the overpayment attributable to such carry back.

(f) For purposes of this section, tax shall be deemed to have been paid on the date determined in accordance with §540(c) of this title.

§540. Interest on overpayments.

(a) General. -- Subject to the limitations specified in subsection

(b) of this section, interest shall be allowed and paid upon any overpayment in respect of any tax imposed by this title or Title 4 at the rate of 1% per month, or fraction thereof.

(b) Limitations. --

(1) No interest shall be allowed or paid on any overpayment of less than $1.

(2) Interest shall be allowed and paid on any overpayment in respect of any tax from the forty-sixth day (ninety-first day in the case of the tax imposed under Chapter 19 of this title) after the date of such overpayment, to (i) in the case of a refund, the date of the refund, or (ii) in the case of a credit, the due date of the amount against which the credit is taken; provided, however,that in the case of a return of tax which is filed after the due date of such return (determined with regard to extensions), no interest shall be allowed or paid for any day before the forty-sixth day (ninety-first day in the case of the tax imposed under Chapter 19 of this title) after the date on which the return is filed.

(3) If the Director or his delegate finds that (i) a claim for credit or refund of any overpayment in respect of any tax or an amended return reporting any such overpayment has been unreasonably delayed because of any action or inaction by the taxpayer, and (ii)there was no reasonable basis for the amount of such overpayment,no interest with respect to such overpayment shall be allowed or paid for any day before the forty-sixth day (ninety-first day in the case of the tax imposed under Chapter 19 of this title) after the date such claim or amended return was filed. The Director shall mail written notice of such determination to the taxpayer,who may, within 60 days from the date of the mailing of such notice, institute a protest of such finding to the Director, whose determination shall be final.

(c) Early returns and advance payments. -- For purposes of this section and §539 of this title:

(1) Any return filed before its due date shall be considered as filed on such due date.

(2) Any tax paid by the taxpayer before its due date shall be considered as paid on such due date.

(3) For purposes of paragraphs (1) and (2) of this subsection, the due date for filing a return or paying the tax shall be determined without regard to any extension of time granted the taxpayer.

(4) Any income tax actually deducted and withheld from the taxpayer, and any amount paid by the taxpayer as estimated or tentative income tax shall be deemed to have been paid by the taxpayer on the due date of the taxpayer's income tax return(determined without regard to any extension of time for filing) for the taxable year with respect to which such tax constitutes a credit or payment.

(d) Refund of income tax caused by carry back.-- For purposes of subsection (a) of this section, if any overpayment of tax imposed by Chapter 11 or Chapter 19 of this title results from a carry back of a net operating loss or net capital loss, such overpayment shall be deemed not to have been made prior to the filing date for the taxable year in which such net operating loss or net capital loss arises.

§541. Form of claims for credit or refund; amendments.

A claim for credit or refund shall be filed with the Director in writing and shall state the specific grounds upon which it is founded. The Director may by regulations prescribe the information to be included in a claim. A claim may not be amended after the last date prescribed by §539 of this title for filing a claim for credit or refund if the net effect of the amendment would be an increase in the amount of the overpayment.

§542. Notice of disallowance; finality.

If the Director disallows a claim for credit or refund, in whole or in part, the Director shall mail written notice of the disallowance to the taxpayer, and such notice shall set forth the reason for the disallowance. The action of the Director in disallowing all or any part of a claim for credit or refund shall become final upon the expiration of sixty days (thirty

days in the case of withholding taxes, or, in the case of other taxes imposed by Chapter 11 of this title, 120 days if the taxpayer is outside the United States) from the date on which the Director mailed the notice of disallowance to the taxpayer, unless within such period the taxpayer protests the Director's disallowance pursuant to the provisions of §523 of this title.

§543. Claim for credit or refund or protest deemed disallowed.

If the Director fails to mail written notice of his action on any claim for credit or refund, or on any protest under §523 of this title of a disallowance of a claim for credit or refund, within 6months after such claim or protest was filed, the taxpayer may thereafter, and prior to notice of action by the Director, consider such claim or protest to have been disallowed by the Director, and the taxpayer may, at any time prior to the expiration of three years from the date on which such claim or protest was filed,proceed pursuant to §542 or §544, as the case may be.

§544. Review of determinations of Director on protests.

A determination by the Director on a taxpayer's protest pursuant to §523 of this title shall be subject to review by the taxpayer's filing a petition with the Tax Appeal Board, in such form as the tax Appeal Board may prescribe, within the time limits specified in§525 or §543 of this title, as the case may be. The determination of the Tax Appeal Board shall be subject to judicial review as provided in §331 of this title.

§545. Collection of debts owed to certain State agencies.

(a) General. -- Upon receiving notice from any claimant agency that the taxpayer owes a debt to such agency, the Director shall --

(1)reduce the amount of any overpayment payable to the taxpayer by the amount of such debt;

(2)pay the amount by which such overpayment is reduced under paragraph (1) of this subsection to such agency; and

(3)notify the taxpayer that such overpayment has been reduced by an amount necessary to satisfy such debt.

(b) Definitions. -- For purposes of this section -

(1)'Claimant agency' means (i) the Department of Health and Social Services, with respect to any debt owed to it; (ii) the Department of Health and Social Services by assignment from a public assistance recipient pursuant to § 503(d) of Title 31, or as the legal representative of a custodial parent who has applied for non-public assistance services of the Division of Child Support Enforcement; or (iii) the Department of Labor.

(2)'Debt' means any liquidated sum which is past due, legally enforceable and has accrued through contract, subrogation, tort or operation of law, whether or not there is an outstanding judgment for such sum.

(c) Regulations. --

(1)The Director shall promulgate regulations providing for:

(A) procedures and methods to be employed by a claimant agency with respect to the operation of this section;

(B) due notice to the taxpayer (and, in the case of an overpayment of the tax imposed by Chapter 11 of this title, any spouse with whom the taxpayer files a joint return) of the reduction in the overpayment and of the opportunity, upon request, for a hearing before the claimant agency prior to such reduction;

(C) safeguards against the disclosure or inappropriate use of any personally identifiable information regarding the taxpayer obtained or maintained pursuant to this chapter;

(D) a minimum debt, amounts below which, in light of administrative expenses and efficiency, shall, in the Director's discretion, not be subject to the collection procedures set forth in this section; and

(E) reimbursement by the claimant agency to the Director of (or reduction in the amount payable to the claimant agency by the Director under subsection (a)(2) of this section by an amount equal to) all costs, direct and indirect, determined on a statistical or actual basis, of effectuating the collection procedures set forth in this section.

(2)Regulations promulgated under the authority of this subsection shall have the force and effect of law.

(d) Remedy not exclusive. -- The collection procedures prescribed by this section are in addition to, and not in substitution for, any other remedy available by law.

(e) Joint and combined income tax returns. --

(1) If a refund from which the reduction described in subsection (a)(1) of this section would be made is based upon a joint return of the tax imposed by Chapter 11 of this title, the director shall

(A) notify each taxpayer filing such return that the reduction is being made from a refund based upon such return;
(B) include in such notification a description of the right of the non debtor taxpayer to file a written protest with the Director, within 30 days of the date of mailing such notification, for the purpose of showing the non debtor taxpayer's proper share of such refund; and

(C) if such a showing is made, promptly remit to the non debtor taxpayer the non debtor taxpayer's proper share of such refund, and apply the balance of such refund in the manner prescribed in subsection (a) of this section.

(2) In the event the debtor shall be due a refund in combination with a non debtor by virtue of having filed separately but combined on one return of the tax imposed by Chapter 11 of this Title, the Director shall regard each spouse as entitled to separate refunds based upon the taxes due and prior payments of each spouse individually. In such a case, the reduction described in subsection (a)(1) of this section shall not be applicable to such separate refund due to the non debtor spouse, but such reduction shall be applicable to such separate refund due to the debtor spouse.

(f) Review of reductions. -- No court of this State shall have jurisdiction to hear any action, whether legal or equitable,brought to restrain or review a reduction authorized by subsection(a) of this section. Except as otherwise provided in subsection(e) of this section, no such reduction shall be subject to review by the Director in any administrative proceeding. No action brought against this State to recover the amount of any such reduction shall be considered to be a suit for a refund of tax. This subsection shall not be deemed to preclude (i) a prior hearing, upon request of the taxpayer, before the claimant agency as set forth in subsection (c)(1)(B) of this section, or (ii) any legal, equitable or administrative action against the claimant agency after payment to it of such reduction.

Subchapter IV. Enforcement

§551. Timely mailing.

(a) If any return, declaration of estimated tax, claim,statement, notice, protest or other document required to be filed,or any payment required to be made, within a prescribed period or on or before a prescribed date under the authority of any provision of the revenue laws of this State, other than §331 of this title, is, after such period or such date,delivered by United States mail to the agency, officer or office with which such document is required to be filed, the date of the United States postmark stamped on the cover in which

such document is mailed shall be deemed to be the date of delivery or the date of payment, as the case may be.

(b) This section shall apply only if the postmark date falls within the prescribed period, or on or before the prescribed date for the filing of the return, declaration, claim, statement,notice, protest or other document (determined with regard to any extension granted for such filing), or for making the payment(determined with regard to any extension granted for making such payment), and only if such document or payment was deposited in the mail, postage prepaid, properly addressed to the agency, officer or office with which such document is required to be filed or to which such payment is required to be made.

(c) If any return, declaration of estimated tax, claim,statement, notice, protest or other document or payment is sent by United States registered mail, such registration shall be prima facie evidence that such document or payment was delivered to the agency, officer or office to which addressed. To the extent that the Director shall prescribe, certified mail may be used in lieu of registered mail under this subsection.

(d) When the last day prescribed under the authority of the revenue laws of this State, including any extension of time, for performing any act falls on Saturday, Sunday or a legal holiday in this State, the performance of such act shall be considered timely if it is performed on the next succeeding day which is not a Saturday, Sunday or a legal holiday in this State.

§552. Collection procedures.

(a) Any tax imposed by this title or Title 4 shall be collected by the Director, and he may establish the mode or time for the collection of any amount due under this title or Title 4 if not otherwise specified. The Director shall, on request, give a receipt for any amount collected under this title or Title 4. The Director may authorize incorporated banks or trust companies to receive any tax imposed under this title or Title 4, in such manner, at such times, and under such conditions as he may prescribe, and the director shall prescribe the manner, times and conditions under which the receipt of tax by any such bank and trust company is to be treated as a payment of tax to the Director.

(b) The Director shall, as soon as practicable after an assessment of tax, interest, penalty, additional amount or addition to the tax becomes final pursuant to §522 or §530 of this title,give written notice to each person liable for the payment of the assessed amount, stating the amount so assessed and demanding payment thereof within 10 days of the date of such notice. Such notice shall be sent by mail (by certified or registered mail if the amount assessed exceeds $500) to such person at his last known address. Except where the Director determines that collection would be jeopardized by delay, if any amount is assessed prior to the last date, including any date fixed by extension, prescribed for payment of such amount, payment of such amount shall not be demanded under this subsection until after such date.

§553. Period of collection after assessment; agreement for extension.

(a) Where the assessment of any amount of tax, interest,penalty, additional amount or addition to the tax imposed by this title or Title 4 has been made within the period of limitation properly applicable thereto, such amount may be collected by a proceeding in court under §554 of this title, but only if such proceeding is begun-

(1) within 10 years after the assessment of such amount has become final, or

(2) prior to the expiration of any period for collection agreed upon in writing by the Director and the taxpayer before the expiration of such 10-year period.

(b) The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(c) The provisions of subsection (a) of this section shall not affect collection by set-off against tax refunds due to the taxpayer, which set-off

may occur whenever there exists an unpaid assessment of tax, interest, penalties, additional amounts or additions to the tax.

(d) The provisions of subsection (a) of this section shall not shorten the period during which a judgment for any amount entered in a court may be collected by execution upon such judgment.

§554. Obtaining court judgment by filing certificate.

(a) If any amount of tax, interest, penalties, additional amounts or additions to the tax payable under this title or Title 4 has been assessed and was not paid when due, the Director may file in the office of the Prothonotary of the county in which the taxpayer resides or owns real or personal property, a certificate specifying the amount of such tax, interest, penalties, additional amounts and additions to the tax due, the name and last known address of the taxpayer liable for such amount and the fact that the Director has complied with all of the provisions of this title or predecessor provisions in the assessment of such amount. From the time of such filing, the amount set forth in the certificate shall thereupon be and constitute a judgment of record in such court with like force and effect as any other judgment of the court, except that the renewal provisions of §4711 of Title 10 shall not be applicable,and a judgment obtained under this subsection shall automatically continue for a period of twenty years from the date of its entry. The Prothonotary shall enter all such certificates in the regular judgment docket and index them as soon as they are filed.

(b) No property, legal or equitable, wages, salaries, deposits or moneys in banks (notwithstanding the provisions of §3502 of Title10), savings institutions or loan associations, or other property or income of any taxpayer shall be exempt from execution or attachment process issued upon, or from collection of, any judgment obtained under subsection (a) of this section. This section shall not apply to liens created under §1345 of this title.

(c) Any judgment obtained under subsection (a) of this section on or after January 1, 1992, shall automatically continue for a period of twenty years from the date of its entry. Any judgment obtained under predecessor provisions of this section by virtue of a certificate filed prior to January 1, 1992 for tax, interest, penalties, additional amounts or additions to the tax shall continue for a period of twenty years from the original date of its entry even though, when such certificate was filed, such predecessor provision may have provided for a period of continuation of less than twenty years.

§555. Release of lien.

The Director may at any time release all, or any portion of, the property subject to any lien arising under this chapter or subordinate such lien to other judgments, liens or security interests if he determines that the amount secured by such lien is sufficiently secured by an encumbrance on other property of the taxpayer or that the release or subordination of such lien will not endanger or jeopardize the collection of such amount. This section shall not apply to releases of liens under §1346 of this title.

§556. Issuance of warrant.

If any person liable to pay any assessed amount of tax, interest, penalty, additional amount or addition to the tax imposed under this title or Title 4 neglects or refuses to pay such amount within 10 days after notice and demand therefor, the Director, after obtaining a judgment pursuant to §554 of this title, or otherwise, may issue a warrant directed to the sheriff of any county of this state, or to the Director's representative, commanding such Sheriff or representative to garnish wages and bank accounts, notwithstanding the provisions of §3502 or §4913(b) of Title 10, of such person or to levy upon and sell such person's real and personal property for the payment of the amount assessed, with the cost of executing the warrant, and to return such warrant to the director and to pay him the money collected by virtue thereof within 60 days after receipt of the warrant. A copy of the warrant shall be filed with the Prothonotary and noticed on the regular judgment docket. If the Director finds that the collection of the amount assessed is in jeopardy, he may issue a warrant without regard to the 10-day waiting period provided for in the foregoing provisions of this section. All sales of real and personal property under authority of this section shall be made pursuant to Title 10.

§557. Nonresident taxpayer.

When notice and demand for the payment of any assessed amount of tax, interest, penalty, additional amount, or addition to the tax imposed under this title or Title 4 is given to a nonresident taxpayer, and the Director determines that it is not practicable to locate property of the taxpayer sufficient in amount to cover the amount assessed, the Director shall send a copy of the certificate provided for in §554 of this title to the taxpayer at the taxpayer's last known address, together with a notice that such certificate has been filed with the Prothonotary of New Castle County. hereafter, the Director may authorize the institution of any action or proceeding to collect or enforce such judgment in any place and by any procedure that a civil judgment of a court of record of this State could be collected or enforced. The Director may also, at his discretion, designate agents or retain counsel outside this State, for the purpose of collecting outside this state any assessed amounts due under this title or Title 4 from taxpayers who are not residents of this State. The Director may fix the compensation of such agents and counsel to be paid out of money appropriated or otherwise lawfully available for the payment thereof, and the Director may require of such agents and counsel bonds or other security for the faithful performance of their duties. The Director is authorized to enter into agreements with the tax agencies or departments of other states and the District of Columbia for the collection of taxes from persons found in this State who are delinquent in the payment of taxes imposed by such other states or the District of Columbia, on condition that such other states and the District of Columbia afford similar assistance in the collection of taxes from persons found in their jurisdictions who are delinquent in the payment of taxes imposed under this title or Title 4. The Director is authorized to enter into similar agreements with the Internal Revenue Service with respect to the collection of taxes imposed under this title and Title 4 and the taxes imposed under the internal revenue laws of the United States.

§558. Tax claims of other states.

The courts of this State shall recognize and enforce liabilities for taxes lawfully imposed by any other state which extends a like comity to this State, and the duly authorized officers of any such other state may sue for the collection of such taxes in the courts of this State. A certificate by the Secretary of State of any such other state that an officer suing for the collection of such a tax is duly authorized to collect the tax shall be conclusive proof of such authority. For the purposes of this section, the word 'taxes' shall include interest, penalties, additional amounts and additions to the tax. Liability for interest, penalties, additional amounts and additions to the tax shall be recognized and enforced by the courts of this State to the same extent that the laws of such other state permit the enforcement in its courts of liability for interest, penalties, additional amounts and additions to the tax due this State under this title or Title 4. Nothing in this section shall be construed as giving the courts of this State jurisdiction to enforce liability for the taxes of any other state, except by an action against an individual who is a resident of this State or by an action against a corporation which is maintaining its principal office in this State at the time of the commencement of such action.

§559. Order to compel compliance.

(a) If any person wilfully refuses to file a tax return required by this title or Title 4, the Director may apply to a Judge of the Superior Court for the county in which the taxpayer (or other person required to file such return on behalf of the taxpayer) resides, or, in the case of a corporate taxpayer or a taxpayer that is a partnership, estate or trust, for the county in which such taxpayer maintains its principal office in this State, for an order directing such taxpayer or other person to file the required return. If a person fails or refuses to obey such an order, such person shall be guilty of contempt of court.

(b) If any person wilfully refuses to make available any books,papers, records or memoranda for examination by the Director, or the Director's representative, or wilfully refuses to attend and testify, pursuant to the powers conferred on the Director by§563(c) of this title, the Director may apply to a Judge of the superior Court for the county in which such person resides for an order directing such person to comply with the Director's request for books, papers, records or memoranda, or for his attendance and

testimony. If the books, papers, records or memoranda required by the Director are in the custody of a corporation, the order of the court may be directed to any principal officer of such corporation.If a person fails or refuses to obey such an order, such person shall be guilty of contempt of court.

§560. Transferees.

(a) The liability, at law or in equity, of a transferee of property of a taxpayer for any tax, interest, penalty, additional amount or addition to the tax due under this title (other than Chapter 13, which, with regard to transferee liability, shall be governed exclusively by the provisions of Chapter 13) or due under Title 4 shall be assessed, paid and collected in the same manner,and subject to the same provisions and limitations, as in the case of the tax, interest, penalty, additional amount or addition to the tax with respect to which the liability was incurred, except as provided in this section. The term 'transferee' includes donee ,heir, legatee, devisee and distributee.

(b) In the case of the liability of an initial transferee, the period of limitation for assessment of any liability is within lyear after the expiration of the period of limitation for assessment against the transferor; in the case of the liability of a transferee of a transferee, within 1 year after the expiration of the period of limitation for assessment against the preceding transferee, but not more than 3 years after the expiration of the period of limitation for assessment against the initial transferor; except that if, before the expiration of the period of limitation for the assessment of the liability of the transferee, a proceeding for the collection of the liability has been begun against the initial transferor or the last preceding transferee, respectively,then the period of limitation for assessment of the liability of the transferee shall expire 1 year after the proceeding is terminated.

(c) If, before the expiration of the time provided in subsection(b) of this section for the assessment of the liability, the director and the transferee have both consented in writing to its assessment after such time, the liability may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the previous period. For the purpose of determining the period of limitation on credit or refund to the transferee of overpayments of tax made by such transferee, or of overpayments of tax made by the transferor of which the transferee is legally entitled to credit or refund, such agreement, and any extension thereof, shall be deemed an agreement and extension thereof referred to in §539(c) of this title. If the agreement is executed after the expiration of the period of limitation for assessment against the taxpayer with reference to whom the liability of such transferee arises, then in applying the limitations under §539(b) of this title on the amount of the credit or refund, the periods specified in §539(a) of this title shall be increased by the period from the date of such expiration to the date of the agreement.

(d) For purpose of this section, if any person is deceased or is a corporation which has terminated its existence, the period of limitation for assessment against such person shall be the period that would be in effect had death or termination of existence not occurred.

§561. Jeopardy assessments.

(a) If the Director finds that the collection of a tax, whether or not the time otherwise prescribed by law for making a return and paying such tax has expired, or the assessment or collection of a deficiency for any year, current or past, will be jeopardized by delay, he shall immediately assess such tax or such deficiency and shall mail or issue notice of his finding to the taxpayer together with a demand for immediate payment of such tax or such deficiency declared to be in jeopardy, together with all interest, penalties,additional amounts and additions to the tax provided by law.

(b) In the case of a jeopardy assessment of a tax for a current taxable year or other taxable period, the Director shall determine such tax for the period beginning on the first day of such current taxable year or other taxable period and ending on the date of the Director's finding under subsection (a) of this section as though such period were a taxable year or other taxable period of the taxpayer.

(c) A jeopardy assessment shall be immediately due and payable,and proceedings for the collection of such assessment may be commenced at once, subject to the provisions of §§554 and 556 of this title. The taxpayer, however, may stay the collection of the whole or any amount of such assessment and prevent such assessment from becoming final by filing with the Director, within 10 days after the date of mailing or issuing the notice of jeopardy assessment, a request for reassessment, accompanied by a bond or,in the discretion of the Director, other adequate security in an amount equal to the amount as to which the stay of collection is sought, conditioned upon the payment of the amount (together with interest thereon) the collection of which is stayed. If a request for reassessment, accompanied by a bond or, in the discretion of the Director, other adequate security in the appropriate amount, is not filed within such 10-day period, the assessment shall become final upon the expiration of such 10-day period.

(d) If a request for reassessment, accompanied by a bond or other adequate security, is filed within the 10-day period provided by subsection (c) of this section, the collection of so much of the amount assessed as is covered by the bond or other security shall be stayed, the Director shall reconsider the assessment and, if the taxpayer has so requested in his request for reassessment, the director shall grant the taxpayer, or the taxpayer's authorized representative, an oral hearing. The Director's determination on the request for reassessment shall become final upon the expiration of 30 days from the date when the Director mails notice of his determination to the taxpayer, unless, within such 30-day period,the taxpayer files with the Tax Appeal Board an application for review of the Director's determination.

(e) In any proceeding relating to the collection of a jeopardy assessment, the finding of the Director under subsection (a) of this section shall for all purposes be presumptive evidence that the collection of the tax or the assessment or collection of the deficiency was in jeopardy.

(f) The Director may abate the jeopardy assessment if he finds that jeopardy does not exist.

§562. Bankruptcy or receivership.

(a) Upon the adjudication of bankruptcy of the taxpayer in any bankruptcy proceeding, or upon the appointment of a receiver for the taxpayer in any receivership proceeding, before any court of the United States or any state or territory or of the District of columbia, any deficiency (together with all interest, penalties,additional amounts and additions to the tax provided by law)determined by the Director in respect of any tax may be immediately assessed if such deficiency has not theretofore been assessed in accordance with law.

(b) Claims for the deficiency and for interest, penalties,additional amounts and additions to the tax may be presented for adjudication in accordance with law, to the court before which the bankruptcy or receivership proceeding is pending, despite the pendency of a protest before the Director under §523 of this title or the pendency of proceedings before the Tax Appeal Board under§544 of this title with respect to such deficiency. No protest shall be filed with the Director under §523 of this title and no petition shall be filed with the Tax Appeal Board under §544 of this title with respect to a deficiency after the adjudication of bankruptcy or appointment of the receiver.

(c) Every receiver, personal representative, trustee in bankruptcy, assignee for the benefit of creditors or other like fiduciary shall give such notice of his qualification as such to the Director as may be required by the Director.

§563. General powers of Director of Revenue.

(a) Except as otherwise expressly provided by law, the administration and enforcement of this title and Title 4 shall be performed by or under supervision of the Director of Revenue, who is authorized to make such rules and regulations and to require such facts and information to be reported as he may deem necessary to enforce this title and Title 4.

(b) The Director may prescribe the form and contents of any return or other document required to be filed under this title or title 4.

(c) The Director, for the purpose of ascertaining the correctness of any return, or for the purpose of making an estimate of tax payable by any person, shall have power to examine, or to cause to have examined by any agent or representative designated by the director for that purpose, any books, papers, records or memoranda bearing upon the matters required to be included in the return and may require the attendance of the person rendering the return or any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take testimony and require proof material for the Director's information with power to administer oaths to such person or persons.

§564. Closing agreements.

The Director, or any person authorized in writing by the director, is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of another person for whom such person acts) with respect to any tax imposed by this title or Title 4 for any taxable period. Such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance or misrepresentation of a material fact:

(1) the case shall not be reopened as to matters agreed upon or the agreement modified by any officer, employee or agent of this state; and

(2) in any suit, action or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund or credit made in accordance therewith, shall not be annulled, modified, set aside or disregarded.

Section 3. Amend Part 1, Title 30 of the Delaware Code by adding thereto a new Subchapter VI of a new Chapter 5 to read as follows:

"CHAPTER 5. PROCEDURE, ADMINISTRATION AND ENFORCEMENT

Subchapter VI. Miscellaneous

§581. Inspection of returns by federal, state and local officials.

(a) Notwithstanding the provisions of §368 of this title, the director may permit the Commissioner of Internal Revenue of the united States, the proper officer of any state imposing a tax upon the incomes of individuals or corporations, or a financial officer designated by any municipality of this State which imposes an income tax or wage tax, or the authorized representative of any of such officers, to inspect the tax return of any taxpayer, and the director may furnish to any such officer, or such officer's authorized representative, an abstract of the tax return of any taxpayer or supply such officer or such officer's authorized representative with information contained in any return of such taxpayer or disclosed by the report of any examination or investigation of the income or return of such taxpayer, but only for the purpose of, and only to the extent necessary in, the administration of the tax laws of such other jurisdiction;provided, however, that no such permission shall be granted, and no such information shall be furnished, to any such officer or his representative unless the statutes of such other jurisdiction grant substantially similar privileges to the Director or his legal representative. No such municipality of this State, or its representative, shall be permitted to examine a taxpayer's return unless such taxpayer shall have a place of residence, business or employment in such municipality, and no municipality or its representative shall be permitted to review any portion of a tax return filed under the authority of this title or Title 4 unless the governing body of such municipality shall have adopted an ordinance requiring:

(1) that any information obtained from, or as a result of the examination or investigation of, such tax return be kept confidential and used only for collection purposes;

(2) that the municipality reimburse to the Director the Division of Revenue's cost, if any, of acquiring such information.

(b) Notwithstanding any other provision of this section or §368of this title, the Director is specifically authorized to enter into an agreement with the Department of Labor or the Alcoholic Beverage Control Commission to provide for the inspection of any tax return filed under this title (other than Chapters 30, 51 and52) or under Title 4; provided, however that such inspection shall be pursuant to the Department of Labor's duties under Title 19 or the Alcoholic Beverage Control Commission's duties under Title 4,and may be subject to such additional requirements as may be imposed by the Director."

Section 4. Amend the title of Part I, Title 30 of the Delaware Code by striking the words," GENERAL PROVISIONS; STATE TAX AGENCIES" and substituting in lieu thereof the words, "GENERAL PROVISIONS; STATE TAX AGENCIES; PROCEDURE AND ENFORCEMENT".

Section 5. Amend Chapter 11, Title 30 of the Delaware Code by striking the following sections thereof: 1164; 1171; 1172; 1173;1176; 1181; 1182; 1183; 1184; 1185; 1186; 1187; 1188; 1189; 1190;1191; 1192; 1193; 1194; 1195; 1196; 1197; 1198; 1199; 1200; 1201;1202; 1203; 1205; 1206; 1207; 1208; 1209; 1211; 1212; 1213; 1214;1215; 1216; 1217; 1218; 1219; 1220; 1221; 1222; 1223; 1224; and1243.

Section 7. Amend Chapter 11, Title 30 of the Delaware Code by striking the current subchapter titles of "Subchapter IX. Procedure and Administration", and "Subchapter X. Enforcement", and redesignating "Subchapter XII.Miscellaneous" as "Subchapter IX. Miscellaneous".

Section 8. Amend Section 1204, Title 30 of the Delaware Code by renumbering it Section 1171.

Section 9. Amend Chapter 13, Title 30 of the Delaware Code by striking the following sections thereof: 1351; 1352; 1353.

Section 10. Amend Chapter 14, Title 30 of the Delaware Code by striking the following sections thereof: 1406; 1407; 1408; 1409.

Section 11. Amend Chapter 15, Title 30 of the Delaware Code by striking the following sections thereof: 1509; 1510.

Section 12. Amend Chapter 19, Title 30 of the Delaware Code by striking the following sections or subsections thereof: 1906; 1907; 1908; 1909; 1910; 1911; 1912(d) and (f); 1913; 1914; 1915; 1916.

Section 13. Amend §1904, Title 30 of the Delaware Code by deleting subsection (d) of said section and redesignating the remaining subsections of §1904 accordingly.

Section 14. Amend §§1917 and 1918, Title 30 of the Delaware Code by renumbering them §1906 and §1907, respectively.

Section 15. Amend Chapter 21, Title 30 of the Delaware Code by striking the following sections and subsections thereof: 2105;2108; 2122; 2123; and subsections (b), (d), (e), (f), (g) and (h)of §2103, and redesignating the remaining subsections of §2103accordingly.

Section 16. Amend Chapter 53, Title 30 of the Delaware Code by striking §5323 thereof.

Section 17. Amend §5409, Title 30 by deleting from the heading of said section the words, 'penalty for recording without documentary stamp'.

Section 18. Amend Chapter 54, Title 30 of the Delaware Code by striking the following sections thereof: 5411; 5413.

Section 19. Amend §5507, Title 30 of the Delaware Code, by deleting subsection (b) of said section and redesignating the remaining subsections of §5507 accordingly.

Section 20. Amend Chapter 55, Title 30 of the Delaware Code by striking the following sections thereof: 5505; 5508; 5509; 5510.

Section 21. Amend Chapter 61, Title 30 of the Delaware Code by striking the following sections thereof: 6105; 6106; 6107; 6108;6109.

Section 22. Amend Chapter 63, Title 30 of the Delaware Code by striking §6306 thereof.

Section 23. Amend Title 4, Delaware Code by adding thereto a new§583 to read as follows:

"§583. Administration of taxes

Except to the extent inconsistent with specific provisions of this title, the provisions of Chapter 5 of Title 30shall govern the assessment, collection, review and appeal of deficiencies of tax imposed by this title, and any interest and penalties thereon, and claims for refund of overpayment of taxes imposed by this title."

Section 24. Amend §351, Title 30 of the Delaware Code by deleting the number "6" as it appears therein and substituting in lieu thereof the number "3".

Section 25. Amend Title 30 of the Delaware Code by striking the following section thereof: 1242.

Section 26. Amend §329, Title 30 of the Delaware Code by deleting said section in its entirety and substituting in lieu thereof the following new §329:

"§329. Hearings and appeals.

The Tax Appeal Board shall hear all appeals from determinations of the Director of all administrative protests including, but not necessarily limited to, determinations under§§525, 544 and 561 of this title, and such other statutes granting jurisdiction to the Board as may be hereafter enacted, and the Board may affirm, modify, or reverse any such determination."

Section 27. Amend §1214, Title 30 of the Delaware Code by striking the phrase "moneys in banks" as it appears in said section and substituting in lieu thereof the phrase "money in banks(notwithstanding the provisions of §3502 of Title 10)".

Section 28. Amend §1213, Title 30 of the Delaware Code by striking the phrase "bank accounts" as it appears in said section and substituting in lieu thereof the phrase "bank accounts,notwithstanding the provisions of §3502 or §4913(b) of Title 10".

Section 29. Amend §1214, Title 30 of the Delaware Code by adding at the end thereof the following sentence: "Notwithstanding the renewal provisions of §4711 of Title 10, any judgment obtained under this section shall automatically continue for a period of twenty years from the date of its entry."

Section 30. Amend §1914, Title 30 of the Delaware Code by adding at the end thereof the following sentence: "Notwithstanding the renewal provisions of §4711 of Title 10, any judgment obtained under this section shall automatically continue for a period of twenty years from the date of its entry."

Section 31. Amend §2123(a), Title 30 of the Delaware Code by adding at the end thereof the following sentence: "Notwithstanding the renewal provisions of §4711 of Title 10, any judgment obtained under this section shall automatically continue for a period of twenty years from the date of its entry."

Section 32. Amend §2124(a), Title 30 of the Delaware Code by striking the symbol and figure "§2103" as they appear therein and substituting in lieu thereof the phrase "§544 of this title as if a determination under this section were a determination under §523of this title."

Section 33. Sections 1, 4, 5, 7 through 24, and 26 of this Act shall be effective with regard to taxable periods commencing on or after January 1, 1992.

Section 35. Sections 3, 25, 27 and 28 of this Act shall be effective upon its enactment into law.

Section 36. Sections 29, 30 and 31 of this Act shall be effective upon their enactment into law with respect to all judgments of record from the date on which this Act shall be enacted into law and thereafter.

Section 37. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 38. Amend Chapter 13, Title 30 of the Delaware Code by adding thereto a new §1352 to read as follows:

"§1352. Same - Enforcement.

Sections 1231, 1232, 1233, and 1235 of the title shall apply to the enforcement of this chapter as if the chapter referred to therein were this chapter and the tax referred to therein were the inheritance tax."

Section 39. Amend Chapter 14, Title 30 of the Delaware Code by adding thereto a new Section 1407 to read as follows:

"§1407. Incorporation of Certain Criminal Penalties.

Sections 1231, 1232, 1233, and 1235 of this title shall apply to the enforcement of this chapter as if the chapter referred to therein were this chapter and the tax referred to therein were the gift tax."

Section 40. Sections 38 and 39 of this Act shall be effective upon its enactment into law.

Approved August 9, 1991.

CHAPTER 188

FORMERLY

HOUSE BILL NO. 398
AS AMENDED BY HOUSE AMENDMENT NOS. 1 AND 2

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE PROVIDING FOR REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 8, Title 29, Delaware Code by striking said Chapter in its entirety and substituting in lieu thereof the following:

"CHAPTER 8. COMPOSITION OF AND REAPPORTIONMENT OF THE GENERAL ASSEMBLY

Subchapter I. General Provisions.

§801. Composition of the House of Representatives.

The House of Representatives shall be composed of 41 members who shall be chosen to hold office for 2 years. The State shall be divided into 41 representative districts, from each of which shall be chosen, by the qualified electors thereof, 1 Representative.

§802. Composition of the Senate; staggered terms.

The Senate shall be composed of 21 members who shall be chosen to hold office for 4 years. The State shall be divided into 21 senatorial districts, from each of which shall be chosen, by the qualified electors thereof, 1 Senator. The terms of office of the several Senators shall be staggered so that 10 Senators shall be elected at the first biennial general election following June 30, 1991, for a term of 2 years, and 11 Senators shall be elected at such election for a term of 4 years.

§803. Numbering of districts.

Each representative district and each senatorial district shall be designated by number.

§804. Determining district boundaries; criteria.

In determining the boundaries of the several representative and senatorial districts within the State, the General Assembly shall use the following criteria. Each district shall, insofar as is possible:

(1) Be formed of contiguous territory;

(2) Be nearly equal in population;

(3) Be bounded by major roads, streams or other natural boundaries;

(4) Not be created so as to unduly favor any person or political party.

§805. Redistricting after federal decennial census.

The apportionment provided for by this chapter shall continue in effect until the official reporting by the President of the United State of the *next* federal decennial census. After the official reporting of the 2000 federal decennial census by the President to Congress, the General Assembly shall, not later than June 30, 2001, reapportion and redistrict the State, wherever necessary, for the general election of 2002 and thereafter in such a manner that the several representative and senatorial districts shall comply, insofar as possible, with the criteria set forth in subdivisions (1) through (4) of §804 of this title. Such apportionment shall thence continue in effect until the next succeeding federal decennial census.

§806. Staggered senatorial districts.

(a) The Senators from the 1st, 5th, 7th, 8th, 9th, 12th, 13th, 14th, 15th, 19th and 20th Senatorial Districts shall be elected for 4-year terms in 1992 and 1996 and for a 2-year term in 2000.

(b) The Senators from the 2nd, 3rd, 4th, 6th, 10th, 11th, 16th, 17th, 18th and 21st Senatorial Districts shall be elected for a 2-year term in 1992 and for 4-year terms in 1994 and 1998.

Subchapter II. General Assembly House of Representatives Districts.

§821. Boundaries of the General Assembly House of Representatives Districts.

The boundaries of the General Assembly House of Representatives districts shall be as follows:

(1) First Representative District-The 1st Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of N. Union St. and Pennsylvania Ave, thence in a counterclockwise direction along Pennsylvania Ave, thence continuing along Pennsylvania Ave and turning left onto N Broom St, thence continuing along N Broom St and turning right onto Gilpin Ave, thence continuing along Gilpin Ave and turning left onto N Franklin St, thence continuing along N Franklin St and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning left onto N Van Buren St, thencecontinuing along N Van Buren St and turning right onto Wawaset St, thence continuing along Wawaset St and turning left onto N Adams St thence continuing on N. Adams St and turning right onto S Park Dr, thence continuing along S Park Dr and turning left onto N Market St, thence continuing along N Market St and turning left onto Concord Ave, thence continuing along Concord Ave and turning right onto Tatnall St, thence continuing along Tatnall St and turning left onto W 27th St, thence continuing along W 27th St and turning right onto Washington St, thence continuing along Washington St until it turns into Washington Blvd, thence continuing along Washington Blvd and turning left onto Turkey Run, thence continuing along Turkey Run and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning Left onto N. Union St, thence continuing on N. Union Street to the place of beginning.

(2) Second Representative District- The 2nd Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of Washington St and 7th St, thence in a counter clockwise direction along 7th St and turning left onto Catawba St, thence continuing along Catawba St and turning right onto 8th St, thence continuing along 8th St and turning left onto Tatnall St, thence continuing along Tatnall St and turning right onto 9th St, thence continuing along 9th St and turning left onto Spruce St, thence continuing along Spruce St and turning right onto E 11th St, thence continuing along E 11th St extended and turning right onto perennial shoreline of the Brandywine Creek, thence continuing along perennial shoreline of the Brandywine Creek and turning right onto Penn Central Railroad, thence continuing along Penn Central Railroad and turning left onto Christina Bridge, thence continuing along Christina Bridge and turning left onto Commerce St, thence continuing along Commerce St extended and turning right onto Christina River, thence continuing along Christina River along an imaginary line to its intersection with an imaginary line formed by the boundaries of the states of Delaware and New Jersey, thence turning left on said boundary and proceeding in a northerly direction to its intersection with an imaginary line extending from the Shellpot Creek, thence continuing along Shellpot Creek and turning right onto Lea Blvd, thence continuing along Lea Blvd and turning left onto Paladin Drive, thence continuing and turning right onto the entrance of the Merchants Square Shopping Center, thence continuing on said entrance and turning left onto Edgemoor Road, thence continuing on Edgemoor Road and turning left onto Washington Blvd, turning into Washington St and turning left onto W 27th St, thence continuing along W 27th St and turning right onto Tatnall St, thence continuing along Tatnall St and turning left onto Concord Ave, thence continuing along Concord Ave and turning right onto N Market St, thence continuing along N Market St and turning right onto S Park Dr, thence continuing along S Park Dr and turning left onto Washington St, thence continuing along Washington St to the place of beginning.

(3) Third Representative District- The 3rd. Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of B and O Railroad Tracks and I 495, thence in a counterclockwise direction along I- 495, and turning right onto N Dupont Hwy, thence continuing along N Dupont Hwy and turning left onto Wildel Ave, thence continuing along Wildel Ave and turning right onto E Hazeldell Ave, thence continuing along E Hazeldell Ave and turning left onto US Hwy 40/I 295, thence continuing along US Hwy 40/I 295 and turning left onto an imaginary line formed by the boundary of the states of Delaware and New Jersey, thence on said boundary to its intersection with an imaginary line extending from the Christina River, thence continuing along the shoreline of the Christina River and turning left onto Commerce St extended, thence continuing on Commerce and turning right onto the Christina Bridge, thence continuing along the Christina Bridge and turning right onto the Penn Central Railroad, thence continuing along the Penn Central Railroad and turning left onto the Brandywine Creek, thence continuing along the Brandywine Creek and turning left onto E 11th St extended, thence continuing along E 11th St and turning left onto Spruce Street, thence continuing along Spruce Street and turning right onto 9th St, thence continuing along 9th St turning left onto Tatnall St, thence continuing along Tatnall St and turning right onto 8th St, thence continuing along 8th St and turning left onto Catawba St, thence continuing along Catawba St and turning right onto 7th St, thence continuing along 7th St and turning left onto Tatnall St, thence continuing along Tatnall St and turning right onto 3rd St, thence continuing along 3rd St and turning left onto West St, thence continuing along West St and turning right onto M L King Blvd, thence continuing along M L King Blvd and turning left onto Maryland Ave, thence continuing along Maryland Ave and turning left onto Alban Dr, thence continuing along Alban Dr and turning left onto Bonwood Dr, thence continuing along Bonwood Dr and turning left onto Coleman St, thence continuing along Coleman St and turning right onto the Wilmington Municipal Boundary, thence continuing along the Wilmington Municipal Boundary extended and turning right onto Interstate 95, thence continuing on Interstate 95 and turning right on the B and O Railroad tracks, thence continuing on the B and O Railroad tracks to the place of beginning.

(4) Fourth Representative District-The 4th Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of Centre Road and Faulkland Road, thence continuing easterly along Faulkland Road, and turning left onto S. DuPont Road, thence continuing along S. DuPont Road and turning right onto Lancaster Avenue, thence continuing along Lancaster Ave and turning left onto Greenblade Ave, thence continuing along Greenblade Ave and turning right onto 6th Street, thence continuing along 6th Street and turning left onto the B and O Railroad, thence continuing along B and O Railroad and turning right onto 7th Street, thence continuing along 7th Street and turning right onto N. Bancroft Parkway, thence continuing along N. Bancroft Parkway and turning left onto 4th Street, thence continuing along 4th Street and turning left onto N. Scott Street, thence continuing along N. Scott Street and turning right onto 7th Street, thence continuing along 7th Street and turning left onto Washington Street, thence continuing along Washington Street and turning left onto S. Park Drive, thence continuing along S. Park Drive and turning left onto N. Adams Street, thence continuing along N. Adams Street and turning right onto Wawaset Street, thence continuing along Wawaset Street and turning left onto N. Van Buren Street, thence continuing along N. Van Buren Street and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning left onto N. Franklin Street, thence continuing along N. Franklin Street and turning right onto Gilpin Ave, thence continuing along Gilpin Ave and turning left onto N. Broom Street, thence continuing along N. Broom Street and turning right onto Pennsylvania Ave, thence continuing along Pennsylvania Ave and turning right onto N. Union Street, thence continuing along N. Union Street and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning left onto Concord Pike, thence continuing along Concord Pike and turning left onto the Augustine Cutoff, thence continuing along Augustine Cutoff to the intersection of Cantera Road and the Augustine Cut-off and turning right onto an imaginary line beginning at said intersection in a clockwise direction to the point at which Alapocas Run and Alapocas Drive intersect and turning left on Alapocas Drive, thence continuing along Alapocas Drive and turning left onto Rt 141, thence continuing along Rt 141 to the place of beginning.

(5) Fifth Representative District-The 5th Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of Ford Ave and Lancaster Ave, thence in a clockwise direction along Lancaster Ave and turning right onto B and O Railroad, thence continuing along B and O Railroad and turning left onto the Wilmington City Municipal boundary, thence continuing along Wilmington Municipal boundary and turning left onto S. Union St, thence continuing along S. Union St and turning right onto Sycamore St, thence continuing along Sycamore St and turning left onto Sycamore St, thence continuing along Sycamore St and turning right onto Maple St, thence continuing along Maple St and turning right onto S. Franklin St, thence continuing along S. Franklin St and turning left onto Maryland Ave, thence continuing along Maryland Ave and turning right onto M L King Blvd, thence continuing along M L King Blvd and turning left onto West St, thence continuing along West St and turning right onto 3rd St, thence continuing along 3rd St and turning left onto Tatnall St, thence continuing along Tatnall St and turning left onto 7th St, thence continuing along 7th St and turning left onto N Scott St, thence continuing along N Scott St and turning right onto 4th St, thence continuing along 4th St and turning right onto N Bancroft Pkwy, thence continuing along N Bancroft Pkwy and turning left onto 7th St, thence continuing along 7th St and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning right onto 6th St, thence continuing along 6th St and turning left onto Greenhill Ave, thence continuing along Greenhill Ave to the place of beginning.

(6) Sixth Representative District-The 6th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Foulk Road and Concord Pike and continuing in a counter-clockwise direction along Concord Pike until its intersection and turning left onto the B&O Railroad, thence continuing along said Railroad and turning right onto Turkey Run, thence continuing along Turkey Run and turning left onto the Washington Street Extension, thence continuing along the Washington Street Extension and turning right onto Shipley Road, thence continuing along Shipley Road and turning right onto the entrance of the Merchants Square, thence continuing and turning left onto Paladin Drive thence, continuing on Paladin Drive and turning right onto the Governor Printz Boulevard, thence continuing on Governor Printz Boulevard and turning left on the Shellpot Creek, thence continuing on the Shellpot Creek extended on an imaginary line until its intersection with the boundary of the States of New Jersey and Delaware, thence turning left and continuing on said boundary until its intersection with Winding Lane extended, thence continuing along Winding Lane and turning left onto Philadelphia Pike, thence continuing along Philadelphia Pike and turning right onto Delaware Ave, thence continuing along Delaware Ave and turning left onto Garfield Street, thence continuing along Garfield Street and turning right onto Holly Oak Road, thence continuing along Holly Oak Road and turning right onto Silverside Road, thence continuing along Silverside Road and turning left onto the B&O Railroad, thence continuing along B&O Railroad and turning right onto Marsh Road, thence continuing along Marsh Road and turning left onto Baynard Boulevard, thence continuing along Baynard Boulevard and turning right on Shipley Road, thence continuing along Shipley Road and turning left on Wilson Road thence continuing along Wilson Road and turning left on Foulk Road, thence continuing along Foulk Road and turning left on Concord Pike, thence continuing along Concord Pike to the place of the beginning.

(7) Seventh Representative District-The 7th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Foulk Road and Silverside Road, thence in a counter clockwise direction along Silverside Road and turning left onto Veale Road, thence continuing along Veale Road and turning right onto Willow Way extended, thence continuing along Willow Way extended and turning left onto the B and O Railroad, thence continuing along the B and O Railroad and turning right onto Darley Road, thence continuing along Darley Road turning into Myrtle Ave, thence continuing along Myrtle Ave, extended on an imaginary line extending to and turning left onto the boundary between the States of Delaware and New Jersey, thence continuing on said boundary and turning left on an imaginary line extending to the point at which the States of Delaware and Pennsylvania meet, thence continuing along the Delaware/Pennsylvania border and turning left onto Marsh Road, thence continuing along Marsh Road and turning right onto Naamans Road, thence continuing along Naamans Road and turning left onto Foulk Road, thence continuing along Foulk Road to the place of beginning.

(8) Eighth Representative District-The 8th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Marsh Road and B and O Railroad, thence in a counter clockwise direction along B and O Railroad and turning right onto Silverside Road, thence continuing along Silverside Road and turning left onto W Holly Oak Road, thence continuing along W Holly Oak Road and turning left onto Garfield Road, thence continuing along Garfield Road and turning right onto Delaware Avenue, thence continuing along Delaware Avenue and turning left onto Philadelphia Pike, thence continuing along Philadelphia Pike and turning right onto Winding Lane, thence continuing along Winding Lane, extended on an imaginary line out to the Delaware/New Jersey State boundary and turning left on said boundary to the intersection of an imaginary line extending from Myrtle Avenue and turning left on said line, thence continuing along Myrtle Ave, turning into Darley Road, thence continuing along Darley Road and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning right onto Willow Way extended, thence continuing along Willow Way extended and turning left onto Veale Road, thence continuing along Veale Road and turning right onto Silverside Road, thence continuing along Silverside Road and turning left onto Marsh Road, thence continuing along Marsh Road to the place of beginning.

(9) Ninth Representative District - The 9th Representative District shall be comprised of: All that portion of New Castle County bounded by a line beginning at the intersection of the Delaware/Maryland boundary and the Chesapeake and Delaware Canal, thence continuing in a counter clockwise direction and turning left on the Kent County boundary, thence continuing on the Kent County line and turning left on the Conrail railroad tracks thence continuing on the railroad tracks and turning right on the Blackbird Creek, thence continuing on Blackbird Creek on its various courses and tributaries in an easterly direction to its last point of tangency on the Delaware shoreline, thence continuing easterly on an imaginary line until its intersection with the Delaware/New Jersey boundary, thence proceeding in a northerly direction on said boundary to its intersection and turning left on an imaginary line extending from the Delaware/New Jersey boundary through the center of Pea Patch Island to its intersection with its point of tangency with the eastern boundary of the municipal limits of Delaware City, just south of Canal Street, proceeding in a clockwise direction, along the eastern, southern, and western boundary of Delaware City, to its intersection and turning left on Dragon Run, thence continuing on Dragon Run and turning left on US Rt 13, thence continuing on US Rt 13 and turning right on the C & D Canal, thence continuing on C & D Canal to the place of beginning.

(10) Tenth Representative District-The 10th Representative District shall comprise: All the portion of New Castle County beginning at the intersection of Montchanin Road and Rockland Road W, thence continuing along Rockland Road West and turning left onto Mount Lebanon Road, thence continuing along Mount Lebanon Road and turning left onto the southbound lane of Concord Pike, thence continues and turns right onto Silverside Road, thence continuing along Silverside Road and turning left onto Foulk Road, thence continuing along Foulk Road and turning right onto Naamans Road, thence continuing along Naamans Road and turns left onto Marsh Road, thence continuing along Marsh Road and turning left on the Delaware-Pennsylvania State boundary, thence continuing along Delaware-Pennsylvania State boundary and turning left onto the Brandywine Creek, thence continuing along Brandywine Creek and turning right onto Thompsons Bridge Road, which becomes Montchanin Road, thence continues along Montchanin Road to the place of beginning.

(11) Eleventh Representative District- The 11th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Kirk Road and Kennett Pike thence continuing in a counter-clockwise direction along Kennett Pike until its intersection with the Reading Railroad, thence turning right and continuing on the Reading Railroad until its intersection and turning left onto Route #141, thence continuing along Route #141 and turning right onto Alapocas Drive, thence continuing along Alapocas Drive to the intersection of Alapocas Drive and Alapocas Run, thence turning right onto an imaginary line in a counter clockwise direction to the point at which the Augustine Cut Off and Cantera Road intersect so as to encompass the Community of Alapocas, thence turning left onto the Augustine Cut-Off, thence continuing along Augustine Cut-off and turning left onto Concord Pike, thence continuing and turns right onto Foulk Road, thence continuing along Foulk Road and turning right onto Wilson Road, thence continuing along Wilson Road and turning right onto Shipley Road,

thence continuing along Shipley Road and turning left on Baynard Blvd thence continuing and turning left onto Marsh Road, thence continuing along Marsh Road until its intersection with and turning left onto Silverside Road, thence continuing along Silverside Road until its intersection with the south bound lane of Concord Pike, thence turning left onto the Concord Pike and continuing until its intersection with and turning right onto Mount Lebanon Road, thence continuing along Mount Lebanon Road and turning right onto Rockland Road thence continuing along Rockland Road and turning left onto Rockland Road West thence continuing along Rockland Road West and turning right onto Kirk Road thence continuing along Kirk Road to the place of beginning.

(12) Twelfth Representative District-The 12th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the Delaware-Pennsylvania Border and Wilmington Road, thence continuing in a counter clockwise direction along Wilmington Road and turning right onto Loveville Road, which turns into McKennans Church Road, thence continuing along McKennans Church Road and turning left onto Mill Creek Road, thence continuing along Mill Creek Road and turning right onto Newport Gap Pike, thence continuing along Newport Gap Pike and turning right onto Faulkland Road, thence continuing along Faulkland Road and turning left onto Duncan Road, thence continuing along Duncan Road and turning left onto Newport Road, thence continuing along Newport Road and turning right onto the Red Clay Creek, thence continuing along Red Clay Creek and turning left onto Kiamensi Road, thence continuing along Kiamensi Road and turning left onto Newport Gap Pike, thence continuing along Newport Gap Pike and turning left onto Centerville Road, thence continuing along Centerville Road and turning right onto Vermont Ave, thence continuing along Vermont Ave extended and turns right onto the Barley Mill Creek, thence continuing along the Creek between the communities of Woodland Heights and Brookland Terrace, thence continuing and turning left onto Centre Road, thence continuing along Centre Road, and turns left onto the Reading Railroad, thence continuing along Reading Railroad and turning left onto the Kennett Pike, thence continuing along Kennett Pike and turning right onto Kirk Road, thence continuing along Kirk Road and turning left onto Montchanin Road, thence continuing along Montchanin Road and turning right onto Thompsons Bridge Road, thence continuing along Thompsons Bridge Road and turning left onto the Brandywine Creek, thence continuing along Brandywine Creek and turning left along the Delaware-Pennsylvania Border, thence continuing along Delaware-Pennsylvania Border to the place of beginning.

(13) Thirteenth Representative District - The 13th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Vermont Avenue and Centerville Road, thence continuing in a counter-clockwise direction along Centerville Road and turning left onto State Hwy. 141, thence continuing along State Hwy. 141 and turning left onto Bestfield Road, thence continuing on Bestfield Road extended and turning right onto the Newport Town boundary, thence continuing on the Newport Town boundary and turning left onto S. Maryland Avenue, thence continuing on S. Maryland Avenue and turning right onto Larch Avenue, thence continuing on Larch Avenue extended and turning left on the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left on an imaginary line intersecting with Newport Pike and Troy Avenue and proceeding between Park Lane and Follies Pond to a point on the B and O Railroad Tracks, thence continuing on said imaginary line and turning right onto Newport Pike, thence continuing on Newport Pike, which becomes Maryland Avenue, thence continuing on Maryland Avenue and turning left onto N. Dupont Road, thence continuing on N. Dupont Road and turning left onto Atlantic Avenue, thence continuing on Atlantic Avenue and turning right onto Howard Street, thence continuing on Howard Street and turning left onto Richardson Lane, thence continuing on Richardson Lane extended to its intersection with and turning left on the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning right onto an imaginary line extending from Locust Avenue, thence continuing on Locust Avenue and turning right onto Kirkwood Highway, thence continuing on Kirkwood Highway, which becomes S. Union Street, thence continuing on S. Union Street and turning left onto the City of Wilmington municipal boundary, thence continuing on the Wilmington municipal boundary in a counterclockwise direction, and turning right onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto Lancaster Avenue, thence continuing on Lancaster Avenue and turning left onto S. Dupont Road, thence continuing on S. Dupont Road and turning right onto Faulkland Road, thence continuing on Faulkland Road and turning left onto Centre Road, thence continuing on Centre Road and turning right onto Barley Mill Creek, thence

continuing on Barley Mill Creek, separating the communities of Woodland Heights and Brookland Terrace, and continuing to its intersection with and turning left onto Vermont Avenue extended, thence continuing on Vermont Avenue to the place of beginning.

(14) Fourteenth Representative District - The 14th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Curtis Mill Road and Possum Park Road, thence continuing in a counter-clockwise direction on Curtis Mill Road, onto N. Chapel Street, thence continuing on N. Chapel Street and turning left onto E. Main Street, thence continuing on E. Main Street, becoming Ogletown Road, thence continuing on Ogletown Road which becomes St. Hwy. 273, thence continuing on St. Hwy. 273 and turning left onto S. Harmony Road, thence continuing on S. Harmony Road, which becomes Harmony Road, thence continuing on Harmony Road and turning right onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto the White Clay Creek, thence continuing on the White Clay Creek and turning right onto Harmony Road, thence continuing on Harmony Road and turning left onto Capitol Trail/Kirkwood Hwy., thence continuing on Kirkwood Hwy. and turning right onto Polly Drummond Hill Road, thence continuing on Polly Drummond Hill Road and turning left onto Henderson Road, thence continuing on Henderson Road and turning right onto Middle Run, thence continuing on Middle Run and turning left onto Curtis Mill Road, thence continuing on Curtis Mill Road to the place of beginning.

(15) Fifteenth Representative District - The 15th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Church Road and an imaginary line between Church Road and Rt. 7 which shall be between the subdivisions of Moore's Acres and Scarborough Manor, thence in a counter-clockwise direction on Church Road and turning right onto State Hwy 7, thence continuing on State Hwy. 7 and turning left onto U.S. Hwy. 13, thence continuing on U.S. Hwy. 13 and turning left onto the Interstate 295 ramp, and continuing in a counter-clockwise direction on I-295 and turning right onto Basin Road, thence continuing on Basin Road and turning left onto the municipal boundary of the Town of Newport, thence continuing on the municipal boundary of the Town of Newport and turning left onto the Christina River, thence continuing on the Christina River through its various courses, crossing Churchman's Road, and turning left onto an imaginary line extending from E. Edinburgh Drive, thence continuing on E. Edinburgh Drive and turning left onto Freeport Road, thence continuing on Freeport Road and turning right onto Doncaster Road, thence continuing on Doncaster Road and turning left onto E. Edinburgh Drive, thence continuing on E. Edinburgh Drive and turning right onto Christiana Road, thence continuing on Christiana Road and turning left onto Appleby Road, thence continuing on Appleby Road and turning right onto US Hwy. 40, thence continuing on US Hwy. 40 and turning left onto St. Hwy. 7, thence continuing on State Hwy. 7 to its intersection with the imaginary line extending between the subdivisions of Moores Acres and Scarborough Manor, thence continuing on said imaginary line to the place of beginning.

(16) Sixteenth Representative District- The 16th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the Christina River and the municipal limits of the Town of Newport, thence continuing on the municipal limits of the Town of Newport and turning in a counter clockwise direction onto Basin Road, thence continuing on Basin Road and turning left onto I-295, thence continuing on I-295 and turning right onto U.S. Rt. 13, thence continuing on U.S. Rt. 13 and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto Shadwell Court extended, thence continuing on Shadwell Court and turning right onto N. Independence Blvd., thence continuing on N. Independence Blvd. and turning left onto Constitution Blvd., thence continuing on Constitution Blvd. and turning right onto Moores Avenue, thence continuing on Moores Avenue and turning left onto the western boundary of the City of New Castle, thence continuing on the boundary of the City of New Castle to its intersection with and turning left onto St. Rt. 9, thence continuing on St. Rt. 9 to the intersection of the northern most boundary of the City of New Castle, thence following the City of New Castle boundary to its intersection with the centerline of the boundary of the states of Delaware and New Jersey, thence northerly along said boundary to its intersection with and turning left onto,I-295, thence continuing on I-295 and turning right onto E. Hazeldell Avenue, thence continuing on E. Hazeldell Avenue and turning left onto Wildel Avenue, thence continuing on Wildel

Avenue, extended, and turning right onto U.S. Rt. 13, thence continuing on U.S. Rt. 13 and turning left onto I-495, thence continuing on I-495 and turning right onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto the Wilmington municipal boundary extended, thence continuing on the Wilmington municipal boundary and turning left onto Coleman Street, thence continuing on Coleman Street and turning right onto Bonwood Drive, thence continuing on Bonwood Drive and turning right onto Alban Drive, thence continuing on Alban Drive and turning right onto Maryland Avenue, thence continuing on Maryland Avenue and turning left onto S. Franklin Street, thence continuing on S. Franklin Street and turning left onto Maple Avenue, thence continuing on Maple Avenue and turning left onto Broom St, thence continuing on Broom St and turning right on Sycamore Ave, thence continuing on Sycamore and turning left onto S. Union Street, thence continuing on S. Union Street, which becomes Kirkwood Highway, thence continuing on Kirkwood Hwy. and turning left onto Locust Avenue, thence continuing on Locust Avenue, extended, and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning right onto Richardson Lane extended, thence continuing on Richardson Lane and turning right onto Howard Street, thence continuing on Howard Street and turning left onto Atlantic Road, thence continuing on Atlantic Road and turning right onto N. Dupont Road, thence continuing on N. Dupont Road and turning right onto Maryland Avenue, thence continuing on Maryland Avenue and turning left onto an imaginary line, which extends from the intersection of Troy Avenue and Maryland Avenue and proceeds between Park Lane and Follies Pond, to a point on the B & O Railroad tracks, thence turning right on the B & O Railroad tracks and proceeding to its intersection with and turning left onto State Hwy. 141, thence continuing on State Hwy. 141 to the place of beginning.

(17) Seventeenth Representative District - The 17th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the extension of the center of the northern boundary of the Town of New Castle and the boundary between the states of New Jersey and Delaware, thence in a southerly direction along the center of the boundary between the states of New Jersey and Delaware to its intersection with the extension of an imaginary line passing through Fort Delaware and extending from the eastern boundary of Delaware City just South of Canal Street, thence in a clockwise direction along the eastern, southern and western boundary of Delaware City to its intersection with the middle of Dragon Run, thence northerly and westerly along the middle of Dragon Run and its various courses to its intersection with the middle of Route 13, thence following Route 13 north to its intersection with the B & O Railroad immediately south of I-295, thence turning right and continuing along the B&O Railroad tracks until its intersection and turning left onto Shadwell Court extended, thence continuing along Shadwell Court and turning right onto N. Independence Boulevard, thence continuing and turning left onto Constitution Boulevard, thence continuing and turning right onto Moores Avenue, thence continuing and turning left onto the western boundary of the Town of New Castle, thence continuing and turning left onto Wilmington Road (Route 9), thence continuing on Wilmington Road (Route 9) and turning right onto the northern most boundary of the Town of New Castle, thence continuing along said boundary to the place of beginning.

(18) Eighteenth Representative District - The 18th District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the B & O Railroad and Harmony Road, thence continuing in a southerly direction on Harmony Road, continuing on S. Harmony Road and turning left onto State Hwy. 273, thence continuing on State Hwy. 273 and turning right onto Chapman Road, thence continuing on Chapman Road and turning left onto Christina Creek branch, thence continuing along the Christina Creek branch and turning left onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning right onto Smalleys Dam Road, thence continuing on Smalleys Dam Road extended and turning right onto Route 7, thence continuing on Route 7 and turning left onto US Hwy. 40, thence continuing on US Hwy 40 and turning left onto Appleby Road, thence continuing on Appleby Road and turning right onto St. Hwy. 273, thence continuing on St. Hwy. 273 and turning left onto E. Edinburgh Drive, thence continuing on E. Edinburgh Drive and turning right onto Doncaster Road, thence continuing on Doncaster Road and turning left onto Freeport Road, thence continuing on Freeport Road and turning right onto E. Edinburgh Drive, thence continuing on E. Edinburgh Drive extended and continuing on an imaginary line separating the Communities of Oak

Run and Coventry, thence continuing and turning right onto the Christina River, thence continuing along the Christina River and turning left on the municipal limits of the Town of Newport, thence continuing on the municipal boundary of the Town of Newport and turning left on the B & O Railroad, thence continuing on the B & O Railroad and turning right onto the entrance to Delaware Park, thence continuing on the Delaware Park entrance and turning left onto the White Clay Creek, thence continuing on the White Clay Creek and turning left onto the B & O Railroad, thence continuing on the B & O Railroad tracks to the place of beginning.

(19) Nineteenth Representative District - The 19th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the B & O Railroad tracks and the White Clay Creek, thence in a counterclockwise direction along the White Clay Creek to its intersection with the Delaware Park entrance, thence continuing on the Delaware Park entrance and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning right onto the municipal limits of the Town of Newport, thence continuing on the Town limits of Newport in a clockwise direction to its intersection with St. Hwy 141 and turning left onto St. Hwy. 141, thence continuing and turning right onto E. Water Street, thence continuing on E. Water Street and turning left onto the municipal limits of the Town of Newport, thence continuing on the Town of Newport limits and turning right on the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto Larch Avenue extended, thence continuing on Larch Avenue and turning left onto the Newport town limits, thence continuing on the town limits extended, and turning left onto Bestfield Road, thence continuing on Bestfield Road and turning right onto St. Hwy 141, thence continuing on St. Hwy. 141 and turning left onto Kiamensi Road, thence continuing on Kiamensi Road and turning right onto Red Clay Creek, thence continuing on the Red Clay Creek and turning left onto Duncan Road, thence continuing on Duncan Road and turning right onto Faulkland Road, thence continuing on Faulkland Road and turning left onto Newport Gap Pike, thence continuing on Newport Gap Pike and turning left onto Mill Creek Road, thence continuing on Mill Creek Road and turning left onto McKennans Church Road, thence continuing on McKennans Church Road to the intersection of McKennans Church Road and Duncan Road, proceeding on an imaginary line extending from said intersection (through Delcastle Recreation Center,) to a point on Milltown Road, where the Calf Run Creek intersects with Milltown Road, thence turning left onto Milltown Road and proceeding to its intersection with and turning right onto Owen Drive, thence continuing on Owen Drive and turning left onto Hammond Place, thence continuing on Hammond Place and turning right onto Calf Run Creek, thence continuing on Calf Run Creek and turning right onto Kirkwood Hwy., thence continuing on Kirkwood Hwy. and turning left onto Old Capitol Trail, thence continuing on Old Capitol Trail and turning left onto Delaware Park Road, thence continuing on Delaware Park Road extended and turning right on the B & O Railroad, thence continuing on the B & O Railroad tracks to the place of beginning.

(20) Twentieth Representative District- The 20th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the boundary between the States of Delaware and Pennsylvania and Southwood Road, thence continuing on Southwood Road, and turning right onto Mill Creek Branch, thence continues and turns right onto the perimeter line of lot 42 and 43 of the New Castle County recorded plan of the Development of Southwood being microfilm 8832, thence continues in a counterclockwise direction along the perimeter of Southwood to its intersection with the Mill Creek Branch, thence turns right on the Mill Creek Branch until its intersection with the Mill Creek, thence turns left and continues until its intersection with and turning right onto Mill Creek Road, thence continues and turns right at its intersection with Mill Creek Branch, thence continues and turns right at its intersection with the perimeter of lot 56 on the recorded plan of New Castle County of the Development of Hockessin Valley Falls being microfilm 7932 thence continues in a counterclockwise direction of said perimeter of Hockessin Valley Falls until its intersection with Brackenville Road at lot 10, thence turns right and continues on Brackenville Road and turns left on Limestone Road, thence continues and turns left onto Stoney Batter Road at the intersection of Stoney Batter Road and Skyline Drive, thence continues and turns right onto the first crossing of the Mill Creek Branch, thence continues and turns right onto Mill Creek, thence continues and turns left onto Limestone Road, thence continues and turns right onto Milltown Road, thence continues on Milltown Road and turns left onto Old Milltown Road, thence continues on Old Milltown Road and turns left onto Mill

Creek, thence continues on Mill Creek and turns left onto Kirkwood Highway, thence continues and turns right onto St. James Church Road, thence continues and turns left onto Old Capitol Trail thence continues and turns right onto Kirkwood Highway, thence continues and turns left onto Calf Run Creek, thence continues and turns left onto Hammond Place, thence continues and turns right onto Owen Drive thence continues and turns left onto Milltown Road, thence continues and turns right onto Calf Run Creek thence, continues along an imaginary line extending through Delcastle Recreation Center to the center point of the intersection of Duncan Road and McKennanan's Church Road, thence continues and turns right onto McKennan's Church Road thence continues and turns into Loveville Road, thence continues and turns left onto Old Wilmington Road, thence continues and turns left at the Boundary of Pennsylvania and Delaware thence continues to the place of the beginning.

(21) Twenty-first Representative District - The 21st Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Papermill Road (St. Rt. 72) and Middle Run just above Stage Road, thence continuing in a counter-clockwise direction on Middle Run, and turning right onto Polly Drummond Hill Road, thence continuing on Polly Drummond Hill Road and turning left onto Kirkwood Hwy., thence continuing on Kirkwood Hwy. and turning right onto Harmony Road, thence continuing on Harmony Road and turning left onto White Clay Creek, thence continuing on White Clay Creek and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto Delaware Park Road extended, thence continuing along Delaware Park Road and turning right onto Old Capitol Trail, thence continuing on Old Capitol Trail and turning left onto St. James Church Road, thence continuing on St. James Church Road and turning left onto Kirkwood Hwy., thence continuing on Kirkwood Hwy. and turning right onto Mill Creek, thence continuing on Mill Creek and turning right onto Old Milltown Road, thence continuing on Old Milltown Road and turning right onto Milltown Road, thence continuing on Milltown Road and turning left onto Route 7, thence continuing on Route 7 and turning right onto Mill Creek, thence continuing on Mill Creek and turning left onto Mill Creek Branch, thence continuing on Mill Creek Branch and turning left onto Stoney Batter Road, thence continuing on Stoney Batter Road and turning left onto Limestone Road, thence continuing on Limestone Road and turning right onto Linden Hill Road, thence continuing on Linden Hill Road and turning right onto Upper Pike Creek Road, thence continuing on Upper Pike Creek Road and turning left onto an imaginary line extending from Ware Road, thence continuing along Ware Road and turning right onto Arlington Road, thence continuing on Arlington Road and turning right on Polly Drummond Hill Road, thence continuing on Polly Drummond Hill Road and turning left onto Papermill Road (St. Rt. 72), thence continuing on Papermill Road to the place of beginning.

(22) Twenty-second Representative District-The 22nd Representative District shall comprise: All that portion of New Castle County bounded by the intersection of the States of Delaware and Maryland and the Christina Creek, thence continuing on the Creek in a clockwise direction to its intersection with and turning left on the northern political boundary of the City of Newark, thence continuing along said boundary and turning right onto New London Road (Route 896), thence continuing along New London Road (Route 896) and turning left onto the northern political boundary of Newark, thence continuing along the political boundary of Newark outside the subdivision of Fairfield Crest, thence continuing along the northern boundary of Newark and turning left onto New London Road, thence continuing along New London Road and turns left onto Ray Street, thence continuing along Ray Street and turning left onto North College Ave, thence continuing along North College Ave and turning right onto Bogey Run, thence continuing along Bogey Run and turning right onto White Clay Creek, thence continuing along White Clay Creek and turning left onto Curtis Mill Road, thence continuing along Curtis Mill Road and turning right onto Polly Drummond Road, thence continuing along Polly Drummond Road and turning left onto Arlington Road, thence continuing along Arlington Road and turning left onto Ware Road, thence continuing along Ware Road extended and turning right onto Upper Pike Creek Road, thence continuing along Upper Pike Creek Road and turning left onto New Linden Hill Road, thence continuing along New Linden Hill Road and turning left onto Limestone Road (Route 7), thence continuing along Limestone Road (Route 7) and turning right onto Brackenville Road, thence continuing along Brackenville Road and turning left at lot 10 of the development of Hockessin Valley Falls (microfilm 7932) and continuing in a clockwise direction around the perimeter of Hockessin Valley Falls to its intersection with Mill Creek Branch, turning left thence continuing on Mill Creek Branch and turning left onto Mill Creek Road, thence

continues along Mill Creek Road and turning left onto the Mill Creek, thence continuing along Mill Creek and turning left onto the perimeter of Southwood, in a clockwise direction to its intersection with and turning left on Mill Creek, thence continuing and turning left onto Southwood Road, thence continuing and turning left onto the Delaware-Pennsylvania line, thence continuing along the Delaware, Pennsylvania and Maryland boundaries until the place of the beginning.

(23) Twenty-third Representative District-The 23rd Representative shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the Delaware-Maryland line and Interstate -95, thence continuing along Interstate-95 in a clockwise direction and turning left onto Otts Chapel Road, which becomes Sandy Brae Road, thence continuing along Sandy Brae Road and turning right onto Persimmon Run Creek, thence continuing along its various courses and branches and turning left onto the Christina Creek, thence continuing along Christiana Creek and turning right onto the Conrail Railroad, thence continuing along the Conrail Railroad and turning left onto South College Ave, thence continuing along South College Ave and turning left onto W. Park Place, thence continuing along W. Park Place and turning right onto Elkton Road, thence continuing along Elkton Road and turning right onto West Main Street, becoming E. Main St, thence continuing along E. Main and turning left onto N. Chapel St., becoming Curtis Mill Road, thence continuing along Curtis Mill Road and turning left onto White Clay Creek, thence continuing along White Clay Creek and turning left onto North College, thence continuing along North College and turning right onto Ray St, thence continuing along Ray St and turning right onto New London Rd., thence continuing along New London Rd and turning right at the Newark city limit, thence continuing along the Town limit in a counterclockwise direction, so as to include the neighborhood of Fairfield Crest, thence turning right onto New London Road, thence continuing along New London Road and turning left onto the Newark town limit, thence continuing along Newark town limit in a counter-clockwise direction to its intersection with and turning right onto the Christina Creek thence continuing along the Christina Creek and turning left on the Delaware/Maryland border, thence continuing along the Delaware/Maryland border to the place of beginning.

(24) Twenty-fourth Representative District-The 24th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of State Highway 896 and Route 40, thence turning in a counter clockwise direction and continuing along Route 40 turning left onto Salem Church Road, thence continuing along Salem Church Road and turning right onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning left onto Salem Church Road, thence continuing along Ogletown Road (Route 273) and turning left onto Marrow's Road, thence continuing along Marrow's Road and turning left onto Old Newark Road, thence continuing along Old Newark Road as it turns right and intersects with E Chestnut Hill Road and turning right onto E Chestnut Hill Road, thence continuing along E. Chestnut Hill Road and turning left onto Chapel Street, thence continuing along Chapel Street and turning right onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning left onto Cooches Bridge Road, thence continuing along Cooches Bridge Road and turns left onto Rt 896, thence continuing along Rt 896 to the place of beginning.

(25) Twenty-fifth Representative District - The 25th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of I-95 and the Delaware/Maryland boundary, thence continuing on the Delaware/Maryland boundary and turning left onto Old Baltimore Pike, thence continuing on Old Baltimore Pike and turning right onto S. College Avenue (Rt. 896), thence continuing on S. College Avenue (Rt. 896) and turning left onto Cooches Bridge Road, thence continuing on Cooches Bridge Road and turning right onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning left onto Chapel Street, thence continuing on Chapel Street and turning right onto E. Chestnut Hill Road, thence continuing along E. Chestnut Hill Road and turning left onto Old Newark Road, thence continuing on Old Newark Road and turning right onto Marrows Road, thence continuing on Marrows Road and turning left onto Ogletown Road, which becomes E. Main Street, thence continuing on E. Main Street and turning left onto W. Main Street, thence continuing on W. Main Street and turning left onto Elkton Road, thence continuing on Elkton Road and turning left onto W. Park Place, thence continuing on W. Park Place and turning right onto S. College Avenue, thence continuing on S. College Avenue and turning right onto the Conrail Railroad tracks, thence continuing on the Conrail Railroad tracks and turning

left onto the Christina Creek, thence continuing on the Christina Creek and turning right onto the Persimmon Run Creek, thence continuing on the Persimmon Run Creek and turning left onto Sandy Brae Road, thence continuing on Sandy Brae Road and turning right onto I-95, thence continuing on I-95 to the place of beginning.

(26) Twenty-sixth Representative District - The 26th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Salem Church Road and Old Baltimore Pike, thence continuing on Salem Church Road and turning left onto US Hwy. 40, thence continuing on US Hwy. 40 and turning left onto St. Route 7, thence continuing on St. Route 7 and turning left onto Smalleys Dam Road Extended, thence continuing on Smalleys Dam Road and turning left onto Old Baltimore Pike, thence continuing on Old Baltimore Pike and turning right onto Christina Creek branch, thence continuing on the Christina Creek branch and turning right onto Chapman Road, thence continuing on Chapman Road and turning left onto St. Hwy. 273, thence continuing on St. Hwy. 273 and turning left onto Ogletown Road, thence continuing on Ogletown Road and turning left onto Salem Church Road, thence continuing on Salem Church Road and turning right onto Old Baltimore Pike, thence continuing on Old Baltimore Pike to the place of beginning.

(27) Twenty-seventh Representative District-The 27th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Old Baltimore Pike and the Delaware/Maryland State boundary line, thence in a counter-clockwise, southerly direction along the Delaware/Maryland State boundary line and turning left onto the C & D Canal, thence continuing along the C & D Canal and turning left onto U.S. Highway 13, thence continuing along U.S. Highway 13 and turning left onto Rt. 7, thence continuing along Rt 7 and turning left onto Church Road (County Road 382), thence continuing along Church Road (County Road 382) until its intersection with and turning right on an imaginary line extending from Church Road (County Road 382) and proceeding between the communities of Moores Acres and Scarborough Manor intersecting with Route 7, thence turns left onto Rt 7, thence continuing along Rt 7 and turning left onto Rt 40, thence continuing along Rt 40 and turning right onto Rt 896, thence continuing along Rt 896 and turning left onto Old Baltimore Pike, thence continuing along Old Baltimore Pike to the place of beginning.

(28) Twenty-eight Representative District - The 28th Representative District shall comprise: All that portion of New Castle and Kent Counties bounded by a line beginning at the intersection of Blackbird Creek and the Conrail Railroad tracks, thence continuing in a counterclockwise direction along the Conrail Railroad tracks and turning right onto County Road 47, thence continuing along County Road 47 and turning left onto County Road 482, thence continuing along County Road 482 which becomes County Road 38, thence continuing along County Road 38 and turning right onto County Road 453, thence continuing along County Road 453 and turning left onto Rt 6, thence continuing along Rt 6 and turning right onto County Road 40, thence continuing along County Road 40 and turning left onto County Road 41, thence continuing along County Road 41 and turning right onto the Conrail Railroad tracks, thence continuing along the Conrail Railroad Tracks and turning left onto County Road 90, thence continuing along County Road 90 and turning right onto County Road 145, thence continuing along County Road 145 and turning left onto County Road 42, thence continuing along County Road 42 and turning right onto US Hwy 13, thence continuing along US Hwy 13 and turning left onto the unnamed southern tributary to Dyke Branch, thence continuing along the unnamed southern tributary to Dyke Branch and turning right onto County Road 330, thence continuing along County Road 330 and turning left onto County Road 331, thence continuing along County Road 331 and turning right onto County Road 332, thence continuing along County Road 332 and turning right onto County Road 88, thence continuing along County Road 88 and turning left onto County Road 337, thence continuing along County Road 337 to its intersection with a tributary of the Little River, thence continuing in a southerly direction along the tributary of the Little River and turning right onto an imaginary line extended from Bacon Drive to the tributary of the Little River, thence continuing along the imaginary line extended from Bacon Drive to the tributary of the Little River and continuing along Bacon Drive and turning left onto Nimitz Drive, thence continuing along Nimitz Drive and turning left onto White Oak Road, thence continuing along White Oak Road and turning right onto Acorn Lane thence continuing along Acorn Lane and turning left onto Rt 8, thence continuing along Rt 8 and turning right onto County Road 344, thence

continuing along County Road 344 and turning left onto South Little Creek Road, thence continuing along South Little Creek Road and turning right onto Rt 9, thence continuing along Rt 9 and turning left onto County Road 349, thence continuing along County Road 349 and turning left onto an imaginary line extending from County Road 349 to the western most point of Old Marina Canal, thence continuing said imaginary line and turning right onto Old Marina Canal, thence continuing along Old Marina Canal to its intersection with the Delaware Bay, thence continuing along an imaginary line extending from old Marina Canal to the New Jersey and Delaware State boundary and turning left onto the New Jersey and Delaware State boundary, thence continuing along the New Jersey and Delaware State boundary and turning left onto an imaginary line extended from the said state boundary to the intersection of Blackbird Creek and the Delaware Bay, thence continuing along said imaginary line to Blackbird Creek, thence continuing along Blackbird Creek to the place of beginning.

(29) Twenty-Ninth Representative District - The 29th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of the Delaware/Maryland State boundary and the New Castle County/Kent County boundary line, thence continuing in a clockwise direction along the New Castle County/Kent County boundary line and turning right onto County Road 38, thence continuing along County Road 38 and turning right onto County Road 453, thence continuing along County Road 453 and turning left onto Route 6, thence continuing along Route 6 and turning right onto County Road 40, thence continuing along County Road 40 and turning left onto County Road 41, thence continuing along County Road 41 and turning right onto the Conrail Railroad tracks, thence continuing along the Conrail Railroad Tracks in a counterclockwise direction and turning left onto County Road 90, thence continuing along County Road 90 and turning right onto County Road 145, thence continuing along County Road 145 and turning left on County Road 42, thence continuing along County Road 42 and turning right onto U. S. Highway 13, thence continuing along U. S. Highway 13 and turning right onto County Road 100 (Denney's Road), thence continuing along County Road 100 (Denney's Road) and turning left onto County Road 104, thence continuing along County Road 104 and turning right onto County Road 158, thence continuing along County Road 158 and turning left onto the City of Dover boundary, thence continuing along the City of Dover boundary in a southerly direction and turning left onto Route 8, thence continuing along Route 8 and turning right onto (Mifflin Road) County Road 196, thence continuing along (Mifflin Road) County Road 196 and turning right onto County Road 73, thence continuing along County Road 73 and turning left onto County Road 195 (Wyoming Mill Road), thence continuing along County Road 195 (Wyoming Mill Road) and turning right onto Isaac Branch and Wyoming Lake, thence continuing along Isaac Branch and turning right onto County Road 204, thence continuing along County Road 204 and turning left onto County Road 73, thence continuing along County Road 73 and turning right onto County Road 206, thence continuing along County Road 206 and turning right onto the Maryland/Delaware State boundary, thence continuing along the Maryland/Delaware State boundary to the place of beginning.

(30) Thirtieth Representative District - The 30th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 206 and the Delaware/Maryland state boundary line thence southerly in a counterclockwise direction along the Delaware/Maryland state boundary line and turning left onto Rt 14, thence continuing along Rt 14 and turning right onto (Prospect Church Road) County Road 114, thence continuing along (Prospect Church Road) and turning left onto (Hammondtown Road) County Road 311, thence continuing along (Hammondtown Road) County Road 311 to County Road 116, thence continuing along County Road 116 and turning left onto County Road 429, thence continuing along County Road 429 and turning right onto Beaver Dam Branch, continuing along Beaver Dam Branch and turning left onto County Road 384 (Killens Pond Road), thence continuing along County Road 384 (Killens Pond Rd) and turning right onto (Bloomfield Road) County Road 396, thence continuing along (Bloomfield Road) County Road 396 and turning left onto County Road 397, thence continuing along County Road 397 and turning right onto County Road 398, thence continuing along County Road 398 and turning left onto County Road 394, thence continuing along County Road 394 and turning left onto Rt. 15, thence continuing along Rt 15 and turning right onto Rt 35, thence continuing along Rt 35 and turning left onto Rt 12, thence continuing along Rt 12 and turning right onto Rt 15, thence continuing along Rt 15 and turning right onto U. S. Highway 13, thence continuing along U. S. Highway 13 and turning left onto U. S. Highway 13A, thence continuing along U. S. Highway 13A and turning left onto the Town

boundary of Woodside, thence continuing along the town boundary of Woodside in a clockwise direction to its intersection with County Road 232, thence continuing along County Road 232 and turning left onto Rt 52, thence continuing along Rt 52 and turning right onto Allabands Mill Stream, thence continuing along Allabands Mill Stream and turning right onto Isaac Branch, thence continuing along Isaac Branch and turning left onto County Road 204, thence continuing along County Road 204 and turning left onto County Road 73 (Hazlettville Rd), thence continuing along County Road 73, and turning right onto County Road 206, thence continuing along County Road 206 and turning right onto Maryland/Delaware State boundary, thence continuing along the Maryland/Delaware boundary to the place of beginning.

(31) Thirty-first Representative District - The 31st Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 100 and County Road 104, thence continuing in a counterclockwise direction along County Road 104 and turning right onto County Road 158, thence continuing along County Road 158 to its intersection with the Dover City boundary line and turning left onto the Dover City boundary line, thence continuing along the Dover City boundary line and turning left onto Rt 8, thence continuing along Rt 8 and turning right onto County Road 296 (Mifflin Road), thence continuing along County Road 296 (Mifflin Road) and turning left onto County Road 73, thence continuing along County Road 73 and turning right onto Conrail Railroad Tracks, thence continuing along Conrail Railroad Tracks and turning left onto an imaginary line extended from the intersection of Waples Ave and New Burton Road, thence continuing along the imaginary line extended from the intersection of Waples Ave and New Burton Road and continuing along Waples Ave and turning left onto South Governor's Ave, thence continuing along South Governor's Ave and turning right onto Water Street, thence continuing along Water Street and turning left onto South State Street, thence continuing along South State Street and turning right onto Loockerman Street, thence continuing along Loockerman Street and turning right onto the St. Jones River, thence continuing along the St. Jones River and turning left onto Court Street thence continuing along Court Street and turning left onto U S Hwy 113, thence continuing in a northerly direction along U S Hwy 113 and U S Hwy 13 and turning right onto Jefferic Boulevard, thence continuing along Jefferic Boulevard and turning right onto Buckson Dr, thence continuing along Buckson Dr and turning left onto Bacon Dr, thence continuing along Bacon Dr and continuing along an imaginary line from Bacon Dr to a tributary of Little River which is the boundary line between enumeration District 307 and 304B as shown on the 1991 Census Map of Kent County, thence continuing along the boundary line between Enumeration District 307 and 304B and turning left onto County Road 337, thence continuing along County Road 337 and turning right onto County Road 88, thence continuing along County Road 88 and turning left onto County Road 332, thence continuing along County Road 332 and turning left onto County Road 331, thence continuing along County Road 331 and turning right onto County Road 330, thence continuing along County Road 330 and turning left onto the southern tributary of Dyke Branch, thence continuing along the southern tributary of Dyke Branch and turning right onto County Road 154, thence continuing along County Road 154 and turning left onto U S Hwy 13, thence continuing along U S Hwy 13 and turning right onto County Road 100, thence continuing along County Road 100 to the place of beginning.

(32) Thirty-second Representative District - The 32nd Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 73 and County Road 195 (Wyoming Mill Road), thence continuing in a counterclockwise direction along County Road 195 (Wyoming Mill Road) and turning left onto Isaac Branch, thence continuing along Isaac Branch and continuing along Moore's Lake and turning right onto U S Hwy 113A, thence continuing along U S Hwy 113A and turning left onto Rt 10, thence continuing along Rt 10 and turning right onto U S Hwy 113, thence continuing along U S Hwy 113 and turning left onto Rt 9, thence continuing along Route 9 and turning left onto (South Little Creek Road) County Road 67, thence continuing along (South Little Creek Road) County Road 67 and turning right onto County Road 344, thence continuing along County Road 344 and turning left onto Rt 8, thence continuing along Rt 8 and turning right onto (Acorn Lane) County Road 342, thence continuing along (Acorn Lane) County Road 342 and turning left onto (White Oak Road) County Road 66, thence continuing along (White Oak Road) County Road 66 and turning right onto Nimitz Drive, thence continuing along Nimitz Drive and turning left onto Bacon Ave, thence continuing along Bacon Ave and turning right onto Buckson Dr., thence continuing along Buckson Dr and turning left onto Jefferic Boulevard, thence

continuing along Jefferic Boulevard and turning left onto U S Hwy 13, thence continuing along U S Hwy 13 and continuing southerly along U S Hwy 113 and turning right onto Court Street, thence continuing along Court Street and turning right onto the St. Jones River, thence continuing along the St. Jones River and turning left onto Loockerman Street, thence continuing along Loockerman Street and turning left onto South State Street, thence continuing along South State Street and turning right onto Water Street, thence continuing along Water Street and turning left onto South Governor's Ave., thence continuing along South Governor's Ave and turning right onto Waples Ave, thence continuing along Waples Ave and continuing along an imaginary line extended from the intersection of Waples Ave and New Burton Road to the Conrail Railroad tracks and turning right onto the Conrail Railroad tracks, thence continuing along the Conrail Railroad tracks and turning left onto County Road 73, thence continuing along County Road 73 to the place of beginning.

(33) Thirty-third Representative District - The 33rd Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 349 and Route 9, thence continuing in a clockwise direction and turning left onto an imaginary line extended from County Road 349 to the western most point of the Old Marina Canal, thence continuing along the imaginary line extended from County Road 349 to the western most part of the Old Marina Canal and turning right onto the Old Marina Canal, thence continuing along the Old Marina Canal to an imaginary line extended from the intersection of the Old Marina Canal and the Delaware Bay to the New Jersey and Delaware State boundary, thence continuing along the imaginary line extended from the Old Marina Canal to the New Jersey and Delaware State boundary and turning right onto the New Jersey and Delaware State boundary, thence continuing along the New Jersey and Delaware State boundary to its intersection with an imaginary line extended from the intersection of the Kent County and Sussex County boundary line and the Delaware Bay, thence continuing along the imaginary line extended the New Jersey and Delaware State boundary to the Kent County and Sussex County boundary line, thence continuing along the Kent County and Sussex County boundary line and turning right onto the northern shoreline of Blairs Pond, thence continuing along the Northern Shore line of Blairs Pond in a westerly direction and turning left onto County Road 443, thence continuing along County Road 443, and turning right onto County Road 444, thence continuing along County Road 444 and turning left onto Route 14, thence continuing along Rout 14 and turning right onto County Road 384, thence continuing along County Road 384 and turning right onto (Bloomfield Road) County Road 396, thence continuing along (Bloomfield Road) County Road 396 and turning left onto (Cloverfield Rd) County Road 397, thence continuing along (Cloverfield Rd) County Road 397 and turning left onto (Sandbox Road) County Road 398, thence continuing along (Sandbox Road) County Road 398 and turning left onto County Road 394, thence continuing along County Road 394 and turning left onto Rt 15, thence continuing along Rt 15 and turning right onto Route 35, thence continuing along Route 35 and turning left onto Route 12, thence continuing along Route 12 and turning right onto Route 15, thence continuing along Route 15 and turning right onto U S Hwy 13, thence continuing along U S Hwy 13 and turning left onto U S Hwy 13A, thence continuing along U S Hwy 13A to its intersection with the Woodside Town boundary, thence continuing in a counterclockwise direction along the Woodside Town boundary and turning right onto (Shade Road) County Road 30, thence continuing along (Shade Road) County Road 30 and turning right onto County Road 29, thence continuing along County Road 29 and turning right on U S Hwy 113A, thence continuing along U S Hwy 113A and turning left onto County Road 362, thence continuing along County Road 362 and turning left onto Cypress Branch, thence continuing along Cypress Branch and turning right onto the St. Jones River, thence continuing in a northerly direction along the St. Jones River and turning right onto the Federal Property line of the Dover Air Force Base, thence continuing in an easterly direction along the southern boundary of the Federal Property line of the Dover Air Force Base and turning right onto U S Hwy 113, thence continuing along U S Hwy 113 and turning left onto Route 9, thence continuing along Route 9 to the place of beginning.

(34) Thirty-fourth Representative District - The 34th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 195 (Wyoming Mill Road) and Isaac Branch, thence continuing in a clockwise direction along Isaac Branch to Moore's Lake and turning right onto U. S. Highway 113A, thence continuing along U.S. Highway 113A and turning left onto Rt 10, thence continuing along

Rt 10 and turning right onto U. S. Highway 113, thence continuing along U. S. Highway 113 to the southern Federal property line of the Dover Air Force Base and turning right onto the Federal property line and turning left onto the St. Jones River, thence continuing along the St. Jones River and turning right onto Cypress Branch, thence continuing along Cypress Branch and turning left onto County Road 362, thence continuing along County Road 362 and turning right onto U S Hwy 113A, thence continuing along U S Hwy 113A and turning left on Rt 29, thence continuing along Rt 29 and turning left on Rt 30, thence continuing along Rt 30 and turning left onto Shade Road (County Road 30), thence continuing along Shade Road to the town boundary of Woodside, thence continuing in a clockwise direction along the town boundary of Woodside to its intersection with County Road 232, thence continuing along County Road 232 and turning left onto Rt 52, thence continuing along Rt 52 and turning right onto Allabands Mill Stream, thence continuing along Allabands Mill Stream and turning right onto Isaac Branch, thence continuing along Isaac Branch and along Wyoming Lake to the place of beginning.

(35) Thirty-fifth Representative District - The 35th Representative District shall comprise: All that portion of Kent and Sussex Counties bounded by a line beginning at the intersection of the Maryland and Delaware State boundary and Route 14, thence continuing in a clockwise direction along Route 14 and turning right onto (Prospect Church Road) County Road 114, thence continuing along (Prospect Church Road) County Road 114 and turning left onto (Hammondtown Road) County Road 311, thence continuing along (Hammondtown Road) to County Road 116, thence continuing along County Road 116 and turning left onto County Road 429, thence continuing along County Road 429 and turning right onto Beaverdam Branch, thence continuing along Beaverdam Branch and turning left onto County Road 384, thence continuing along County Road 384 and turning right onto Route 14, thence continuing along Route 14 and turning right onto County Road 444, thence continuing along County Road 444 and turning left onto Blairs Pond, thence continuing along Blairs Pond and turning left onto the Kent County and Sussex County boundary, thence continuing along the Kent County and Sussex County boundary and turning right onto Bowman Branch, thence continuing along Bowman Branch and turning left onto Evergreen Lane, thence continuing along Evergreen Lane to the Milford Town boundary, thence continuing in a counterclockwise direction and turning right onto U. S. Highway 113, thence continuing along U. S. Highway 113 and turning right onto County Road 625, thence continuing along County Road 625 and turning right onto County Road 213, thence continuing along County Road 213 and turning left onto U S Hwy 113, thence continuing along U S Hwy 113 and turning right onto Road 527, thence continuing along County Road 527 and turning left onto County Road 522, thence continuing along County Road 522 and turning right onto Route 18, thence continuing along Route 18 and turning left onto County Road 521, thence continuing along County Road 521 and continuing along an imaginary line extended from County Road 521 to Layton-Vaughn Ditch and turning left onto Layton-Vaughn Ditch, thence continuing along Layton-Vaughn Ditch and turning right onto County Road 520, thence continuing along County Road 520 and turning left onto County Road 446, thence continuing along County Road 446 and turning right onto Route 9, thence continuing along Route 9 and turning right onto County Road 46, thence continuing along County Road 46 and turning left onto County Road 484, thence continuing along County Road 484 and turning right onto Tyndall Branch, thence continuing along Tyndall Branch and turning left onto Deep Creek, thence continuing along Deep Creek and through Concord Pond and turning right onto County Road 516, thence continuing along County Road 516 and turning left onto County Road 525, thence continuing along County Road 525 and turning left onto County Road 526A, thence continuing along County Road 526A and turning left onto County Road 46, thence continuing along County Road 46 and turning left onto Route 18, thence continuing along Route 18 and turning left onto Route 18, thence continuing along Route 18 and turning right onto the Maryland and Delaware State boundary, thence continuing along the Maryland and Delaware State boundary to the place of beginning.

(36) Thirty-sixth Representative District - The 36th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of Haven Lake and Silver Lake, thence in a clockwise direction along Silver Lake to the Kent County and Sussex Boundary, thence continuing along the Kent County and Sussex County Boundary to the Delaware Bay, thence continuing along an extension of the Kent County and Sussex County Boundary to its intersection of Broadkill River and Delaware Bay, thence continuing in a clockwise direction along the Broadkill River and turning left onto Old Mill Creek, thence continuing along Old Mill Creek in a westerly direction to Red Mill Pond, thence continuing along Red Mill Pond in

a westerly direction to Martin Branch, thence continuing along Martin Branch in a westerly direction and turning right onto Rt 9, thence continuing along Rt 9 and turning right onto the boundary of the Town of Georgetown, thence continuing along the boundary of the Town of Georgetown in a counter clockwise direction and turning right onto Rt 18, thence continuing along Rt 18 and turning left onto County Road 622, thence continuing along County Road 622 and turning left onto U. S. Highway 113, thence continuing along U. S. Highway 113 and turning right onto Rt 9, thence continuing along Rt 9 and turning right onto County Road 446, thence continuing along County Road 446 and turning right onto County Road 520, thence continuing along County Road 520 and turning left onto Layton-Vaughn Ditch and turning right onto an imaginary line extended from County Road 521 to Layton-Vaughn Ditch, thence continuing along an imaginary line extended from County Road 521 to Layton-Vaughn Ditch to County Road 521, thence continuing along County Road 521 and turning right onto Rt 18, thence continuing along Rt 18 and turning left onto County Road 522, thence continuing along County Road 522 and turning right on 527, thence continuing on 527 and turning left onto U S HWY 113, thence continuing along U. S. Highway 113 and turning right onto County Road 213, thence continuing along County 213 and turning left onto County Road 625, thence continuing along County Road 625 and turning right onto U S Hwy 113, thence continuing along U S Hwy 113 and turning left onto the Milford Town Boundary Line, thence continuing along the Milford Town Boundary Line in a clockwise direction and turning left onto Evergreen Lane, thence continuing along Evergreen Lane and turning right onto Bowman Branch, thence continuing along Bowman Branch to Haven Lake, thence continuing along Haven Lake to the place of beginning.

For the purposes of this section only references to the Boundary of the Town of Georgetown are to the boundary as existed in 1981.

(37) Thirty-seventh Representative District-The 37th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of the Broadkill River and the Delaware Bay, thence continuing in a counterclockwise direction along the Broadkill River and turning left onto Old Mill Creek, thence continuing along Old Mill Creek through Red Mill Pond and continuing along Martin Branch and turning right onto Route 9, thence continuing along Route 9 and turning left onto Route 30, thence continuing along Route 30 and turning left onto County Road 294, thence continuing along County Road 294 and turning right onto County Road 293, thence continuing along County Road 293 and turning left onto County Road 292, thence continuing along County Road 292 and turning right onto County Road 296A, thence continuing on County Road 296A and turning left onto County Road 47, thence continuing on County Road 47 and turning right onto Route 5, thence continuing along Route 5 and turning left onto County Road 302, thence continuing along County Road 302 and turning right onto County Road 301, thence continuing along County Road 301 and turning right onto Route 24,thence continuing along Route 24 and turning left onto County Road 22, thence continuing along County Road 22 and turning left onto County Road 298, thence continuing on County Road 298 and turning right onto Guinea Creek, thence continuing along Guinea Creek and turning right onto Herring Creek, thence continuing along Herring Creek to an imaginary line extending through Rehoboth Bay to the Lewes & Rehoboth Canal, thence continuing from the Lewes & Rehoboth Canal along the northern shoreline of Rehoboth Bay in an easterly direction to the northern property boundary of the Delaware Seashore State Park, thence continuing in an easterly direction along the northern property boundary of the Delaware Seashore State Park to an imaginary line extending therefrom in an easterly direction to the Delaware State boundary in the Atlantic Ocean, thence continuing in a northerly direction along the Delaware State boundary in the Atlantic Ocean to the point where said boundary line meets the New Jersey and Delaware State boundary, thence in a northwesterly direction along the New Jersey and Delaware State boundary to its intersection with an imaginary line extended from the Broadkill River, thence continuing along said imaginary line to the Broadkill River being the place of beginning.

(38) Thirty-eighth Representative District-The 38th Representative District shall comprise: All that portion of Sussex County being bounded by a line beginning at the intersection of County Road 296 and County Road 47, thence continuing in a clockwise direction along County Road 47 and turning right onto County Road 5, then continuing along County Road 5 and turning left onto County Road 302, thence continuing along County Road 302 and turning right onto County Road 301, thence continuing along County Road 301 and turning right onto Route 24, thence continuing along Route 24 and turning left onto County Road 22, thence continuing on County Road 22 and turning left onto

County Road 298, thence continuing on County Road 298 and turning right onto Guinea Creek, thence continuing along Guinea Creek and turning right onto Herring Creek, thence continuing along Herring Creek to an imaginary line extending through Rehoboth Bay to the Lewis/Rehoboth Canal and turning right and continuing along the northern shoreline of Rehoboth Bay to its intersection with the northern boundary of the Delaware Seashore State Park, thence continuing along the northern boundary of the Delaware Seashore State Park to an imaginary line extending from said State Park boundary to Delaware State boundary in the Atlantic Ocean, thence continuing along said imaginary line and turning right onto the Delaware State boundary in the Atlantic Ocean, thence continuing along said State boundary and turning right onto an imaginary line extending from the Delaware and Maryland State boundary to the Delaware State boundary in the Atlantic Ocean, thence continuing along said imaginary line and continuing along the Delaware and Maryland State boundary onto an imaginary line extending from the intersection of the Delaware and Maryland State boundary and County Road 378 to the intersection of County Road 418 and Route 54, thence continuing on Route 54 and turning right onto Route 54, thence continuing on Route 54 and turning left onto County Road 380-A, thence continuing along County Road 380-A and turning right onto County Road 380, thence continuing along County Road 380 and turning left onto County Road 376, thence continuing along County Road 376 and turning right onto County Road 392, thence continuing along County Road 392 and turning left onto McCrays Branch Creek which becomes Vines Creek, thence continuing along Vines Creek and turning right onto Pepper Creek, thence continuing in a counterclockwise direction to the Indian River, thence continuing along the Indian River in a westerly direction to an unnamed stream and turning right onto County Road 305, thence continuing along County Road 305 and turning left onto County Road 296, thence continuing along County Road 296 to the place of beginning.

(39) Thirty-ninth Representative District - The 39th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of Rt 18 and the Delaware/Maryland State boundary line, thence in a counterclockwise direction (southerly) along the Delaware/Maryland State boundary line and turning left onto the Nanticoke River, thence continuing along the Nanticoke River and turning right onto Gum Branch, thence continuing along Gum Branch to the intersection of County Road 480, thence continuing along County Road 480 and turning right onto County Road 479, thence continuing along County Road 479 and turning left onto County Road 480A, thence continuing along County Road 480A and turning left onto County Road 474, thence continuing along County Road 474 and turning left onto Rt 20, thence continuing along Rt 20 and turning right onto County Road 516, thence continuing along County Road 516 and turning left onto County Road 525, thence continuing along County Road 525 and turning left onto County Road 526A, thence continuing along County Road 526A and turning left onto County Road 46, thence continuing along County Road 46 and turning left onto Rt 18, thence continuing along Rt 18 and turning left onto Route 18 in a westerly direction to the place of beginning

(40) Fortieth Representative District - The 40th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of the Nanticoke River and the Delaware/Maryland State boundary line, thence in a counterclockwise direction along the Delaware/Maryland State boundary line and turning left onto County Road 62, thence continuing along County Road 62 and turning right onto County Road 421, thence continuing along County Road 421 and turning left onto County Road 61, thence continuing along County Road 61 and turning right onto Rt 24, thence continuing along Rt 24 and turning left onto County Road 431, thence continuing along County Road 431 and turning left onto County Road 325, thence continuing along County Road 325 and turning left onto County Road 518, thence continuing along County Road 518 and turning left onto Rt 9, thence continuing along Rt 9 and turning right onto County Road 46, thence continuing along County Road 46 and turning left onto County Road 484, thence continuing along County Road 484 and turning right onto Tyndall Branch and turning left onto Deep Creek, thence continuing along Deep Creek to Concord Pond, thence continuing along Concord Pond and turning left onto County Road 516, thence continuing along County Road 516 and turning left onto County Road 20, thence continuing along County Road 20 and turning right onto County Road 474, thence continuing along County Road 474 and turning right onto County Road 480A, thence continuing along County Road 480A and turning right onto County Road 479, thence continuing along County Road 479 and turning left onto County Road 480, thence continuing along County Road 480 to its intersection with Gum

Branch, thence continuing along Gum Branch and turning left onto the Nanticoke River, thence continuing along the Nanticoke river to the place of beginning.

(41) Forty-first Representative District-The 41st Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of Route 9 and Route 30, thence continuing in a counter clockwise direction along Route 30 and turning left onto County Road 294, thence continuing along County Road 294 and turning right onto County Road 293, thence continuing along County Road 293 and turning left onto County Road 292, thence continuing along County Road 292 and turning right onto County Road 296A, thence continuing along County Road 296A and turning right onto County Road 47, thence continuing along County Road 47 and turning left onto County Road 296, thence continuing along County Road 296 and turning right onto County Road 305, thence continuing along County Road 305 to an unnamed stream that runs into Indian River, thence continuing along Indian River in a clockwise direction to Pepper Creek, thence continuing along Pepper Creek and turning left onto Vines Creek, thence continuing along Vines Creek and turning left onto McCrays Branch Creek, thence continuing along McCrays Branch Creek and turning right onto County Road 392, thence continuing along County Road 392 and turning left onto County Road 376, thence continuing along County Road 376 and turning right onto County Road 380, thence continuing along County Road 380 and turning right onto County Road 380A, thence continuing along County Road 380A and turning right onto Route 54, thence continuing onto Route 54 and turning left onto Route 54, thence continuing along an imaginary line between County Road 418 and Route 54 extending to a point at the intersection of County Road 378 and the Maryland and Delaware State boundary, thence continuing along the Maryland and Delaware State boundary and turning right onto County Road 62, thence continuing along County Road 62 and turning right onto County Road 421, thence continuing along County Road 421 and turning left onto County Road 61, thence continuing along County Road 61 and turning right onto Route 24, thence continuing along Route 24 and turning left onto County Road 431, thence continuing along County Road 431 and turning left onto County Road 325, thence continuing along County Road 325 and turning left onto County Road 518, thence continuing along County Road 518 and turning right onto Route 9, thence continuing along Route 9 and turning left onto US Hwy 113, thence continuing along US Hwy 113 and turning right onto County Road 622, thence continuing along County Road 622 and turning left onto Route 18, thence continuing along Route 18 and turning right onto the boundary of the Town of Georgetown, thence continuing along the boundary of the Town of Georgetown in a clockwise direction and turning left onto Route 9, thence continuing along Route 9 to the place of beginning.

For the purposes of this Section only references to the Boundary of the Town of Georgetown are to the boundary as existed in 1981.

Subchapter III. General Assembly Senate Districts.

§831. Boundaries of the General Assembly Senate Districts.

The boundaries of the General Assembly Senate districts shall be as follows:

First Senatorial District - The 1st Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of N DuPont Road and Lancaster Avenue thence southeast along the center line of Lancaster Avenue to its intersection with the center line of Union Street, thence northeast along the center line of Union Street to its intersection with the center line of 7th Street, thence southeast along the center line of 7th Street to its intersection with the center line of N. Franklin Street, thence northeast along the center line of N. Franklin Street to its intersection with the center line of 8th Street, thence southeast along the center line of 8th Street to its intersection with the center line of N. Van Buren Street, thence northeast along the center line of N. Van Buren Street to its intersection with the center line of W. 10th Street, thence southeast along the center line of W. 10th Street to its intersection with the center line of N. Franklin Street, thence northeast along the center line of N. Franklin Street to its intersection with the center line of Lovering Avenue, thence southeast along the center line of Lovering Avenue to its intersection with the center line of N. Van Buren Street, thence along the center line of N. Van Buren Street to its intersection with the center line of Brandywine Creek, thence southeast along the center line of Brandywine Creek to its intersection with the center line of Baynard Boulevard, thence northeast along the center line of Baynard Boulevard to its intersection with

the center line of Washington Street, thence northeast along the center line of Washington Street to its intersection with the center line of W. 28th Street, thence northwest along the center line of W. 28th Street to its intersection with the center line of N. Jefferson Street, thence northeast along the center line of N. Jefferson Street to its intersection with the center line of 36th Street, thence southeast along the center line of 36th Street to its intersection with the center line of Washington Street, thence northeast along the center line of Washington Street to its intersection with the center line of Matson Run Parkway, thence southeast along the center line of Matson Run Parkway to its intersection with the center line of W. 41st Street, thence south along the center line of W. 41st Street to its intersection with the center line of Wolf Trap Circle, thence northeast along the center line of Wolf Trap Circle to its intersection with the center line of E. Matson Run Parkway, thence southeast along the center line of E. Matson Run Parkway to its intersection with the center line of W. 42nd Street, thence southeast along the center line of W. 42nd Street, thence southeast along the center line of W. 42nd Street to its intersection with the center line of Tatnall Street, thence northeast along the center line of Tatnall Street to its intersection with the center line of Lea Boulevard, thence north along the center line of Lea Boulevard to its intersection with the center line of Matson Run, thence east along the center line of Matson Run to its intersection with the center line of Shellpot Creek, thence south along the center line of Shellpot Creek to its intersection with the center line of N. Market Street,thence northeast along the center line of N. Market Street to its intersection with the center line of Edgemoor Road, thence southeast along the center line of Edgemoor Road to its intersection with the center line of Beekman Road, thence northeast along the center line of Beekman Road to its intersection with the center line of W. Salisbury Drive, thence southeast along the center line of W. Salisbury Road to its intersection with the center line of E. Salisbury Drive, thence northeast along the center line of E. Salisbury Drive to its intersection of Rysing Drive, thence south along the center line of Rysing Drive to its intersection with the center line of Governor Printz Boulevard, thence northeast along the center line of Governor Printz Boulevard to its intersection with Lindamere Ditch, thence East along the center line of Lindamere Ditch to its intersection with the shore of the Delaware River, thence northeast along the shore of the Delaware River to its intersection with the boundary dividing 1990 census blocks 306A and 902 of New Castle County MCD/CCD 90148, thence northeast along the census block boundary to its intersection with the boundary dividing 1990 census blocks 322 and 901 of New Castle County MCD/CCD 90148, thence northwest along the boundary line to its intersection with the center line of Governor Printz Boulevard, thence northeast along the center line of Governor Printz Boulevard to its intersection with the center line of Interstate Route 495, thence northeast along the center line of Interstate 495 to its intersection with the center line of Government Lane, thence northwest along the center line of Government Lane to its intersection with the center line of River Road, then northeast along the center line of River Road to its intersection with the northeastern boundary of the Town of Bellefonte, thence northwest along the boundary of Town of Bellefonte to its intersection of Brandywine Boulevard, thence northeast along the center line of Brandywine Boulevard to its intersection with the center line of Calhoun Road, thence northwest along the center line of Calhoun Road to its intersection of Philadelphia Pike, thence northeast along the center line of Philadelphia Pike to its intersection with the center line of Bellevue Parkway, thence northwest along the center line of Bellevue Parkway to its intersection with the center line of Carr Road, thence southwest along the center line of Carr Road to its intersection with the center line of Marsh Road, thence north along the center line of Marsh Road to its intersection with the center line of the B & O Railroad, thence southwest along the center line of the B & O Railroad to its intersection with the center line of Talley Road, thence north along the center line of Talley Road to its intersection with the center line of Weldin Road, thence west along the center line of Weldin Road to its intersection with the center line of Foulk Road, thence southwest along the center line of Foulk Road to its intersection with the center line of Concord Pike, thence south along the center line of Concord Pike to its intersection with the center line of the B & O Railroad, thence southwest along the center line of the B & O Railroad to its intersection with the center line of W. 18th Street, thence north along the center line of W. 18th Street to its intersection with the boundary line of the City of Wilmington, thence west along the boundary line of the City of Wilmington, to its intersection with the center line of Brandywine Creek, thence north along the center line of the Brandywine Creek to its intersection with the boundary line of the City of Wilmington, thence counter-clockwise

along the boundary line of the City of Wilmington to its intersection with the center line of Greenhill Avenue, thence southwest along the center line of Greenhill Avenue to its intersection with the boundary line of the City of Wilmington, thence northwest along the center line of the boundary line of the City of Wilmington to its intersection with N. duPont Road, thence south along the center line of N. duPont Road to its intersection with the center line of Lancaster Avenue, thence southeast along the center line of Lancaster Avenue, its point of beginning.

Second Senatorial District: The 2nd Senatorial District shall comprise: All that portion of New Castle County and the City of Wilmington beginning at a point where the center line of US Route 40 intersects with the center line of County Road 373A (Landers Lane), thence southeast along the center line of County Road 373A to its intersection with the center line of County Road 374, thence southwest along the center line of County Road 374 to its intersection with the center line of Landers Lane, thence southeast along the center line of Landers Lane to its intersection with the center line of Del. Route 9, thence south along the center line of Del. Route 9 to its intersection with the northern boundary line of the Town of New Castle, thence southeast along the boundary line of the Town of New Castle to its intersection with the Delaware River shoreline, northeast along the Delaware River shoreline to its intersection with the center line of Lindamere Ditch, thence west along the center line of Lindamere Ditch to its intersection with the center line of Gov. Printz Boulevard, thence southwest along the center line of Gov. Printz Boulevard to its intersection with the center line of Rysing Drive, thence north along the center line of Rysing Drive to its intersection with the center line of East Salisbury Drive, thence southwest along the center line of East Salisbury Drive to its intersection with the center line of West Salisbury Drive, thence northwest along the center line of West Salisbury Drive to its intersection with the center line of Beekman Road, thence southwest along the center line of Beekman Road to its intersection with the center line of Edgemoor Road, thence northwest along the center line of Edgemoor Road to its intersection with the center line of N. Market Street, thence southwest along the center line of N. Market Street to its intersection with the center line of Shellpot Creek, thence north along the center line of Shellpot Creek to its intersection with the center line of Matson Run, thence west along the center line of Matson Run to its intersection with the center line of Lea Boulevard, thence south along the center line of Lea Boulevard to its intersection with the center line of Tatnall Street, thence southwest along the center line of Tatnall Street to its intersection with the center line of W. 42nd Street, thence northwest along the center line of W. 42nd Street to its intersection with the center line of E. Matson Run Parkway, thence northwest along the center line of E. Matson Run Parkway to its intersection with Wolftrap Circle, thence southwest along Wolftrap Circle to its intersection with the center line of W. 41st Street, thence north along the center line of W. 41st Street to its intersection with the center line of E. Matson Run Parkway, thence northwest along the center line of E. Matson Run Parkway to its intersection with Washington Street, thence southwest along the center line of Washington Street to its intersection with W. 36th Street, thence northwest along the center line of W. 36th Street to its intersection with the center line of N. Jefferson Street, southwest along the center line of N. Jefferson Street to its intersection with the center line of 28th Street, thence southeast along the center line of 28th Street to its intersection with the center line of Washington Street, thence southwest along the center line of Washington Street to its intersection with the center line of Baynard Boulevard, thence southwest along the center line of Baynard Boulevard to its intersection with the center line of Brandywine Creek, thence northwest along the center line of Brandywine Creek to its intersection with the center line of N. Van Buren Street, thence southwest along the center line of N. Van Buren Street to its intersection with the center line of Lovering Avenue, thence northwest along the center line of Lovering Avenue to its intersection with the center line of Franklin Street, thence southwest along the center line of Franklin Street to its intersection with the center line of W. 10th Street, thence along the center line of W. 10th Street to its intersection with the center line of Washington Street, thence northeast along the center line of Washington Street to its intersection with the center line of E. 12th Street, thence southeast along the center line of E. 12th Street to its intersection with the center line of Kirkwood Street, thence southwest along the center line of Kirkwood Street to its intersection with the center line of E. 11th Street, thence southeast along the center line of E. 11th Street to its intersection with the center line of N. Church Street, thence southwest along the center line of N. Church Street to its intersection with

E. 8th Street, thence along the center line of E. 8th Street to its intersection with the center line of Lombard Street, thence southwest along the center line of Lombard Street to its intersection with the 4th Street, thence south east along 4th Street to its intersection with the center line of Christina River, thence along the center line of the Christina River to its intersection with the southeast boundary of the City of Wilmington to its intersection with N. duPont Highway, thence south along the center line of the N. duPont Highway to its intersection with the center line of Rogers Road, thence southeast along the center line of Rogers Road to its intersection with the center line of Del. Route 9, thence southwest along the center line of Del. Route 9 to its intersection with the center line of Lambson Lane, thence east along the center line of Lambson Lane to its intersection with the center line of East Avenue, thence south along the center line of East Avenue to its intersection with the center line of 11th Street, thence northwest along the center line of 11th Street to its intersection with the center line of West Avenue, thence along the center line of West Avenue to its intersection with the center line of Memorial Drive, thence northwest along the center line of Memorial Drive to its intersection with the center line of US Route 13, thence southwest along the center of US Route 13 to its intersection with a point 130 feet northeast of Hazeldel Avenue where an imaginary line running midway between Hazeldel Avenue and Karlyn Drive meets Interstate Route 295 and US Route 40, thence south along said imaginary line to its intersection with the center line of Interstate 295 and US Route 40, thence along the center line of US Route 40 to the center line of County Road 373A (Landers Lane), the point of beginning.

Third Senatorial District - The 3rd Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Chestnut Run and the center line of Faulkland Road east along the center line Faulkland Road to its intersection with the Reading Railroad thence southeast to its intersection with joint boundary of the City of Wilmington and the Town of Elsmere northeast along said boundary to its intersection with the center line of N. duPont Road thence along the center line of N. duPont Road in a southerly direction to its intersection with the center line of Boulevard Road, thence along the center line of Boulevard Road in an easterly direction to it intersection with the center line of Colonial Avenue, thence along the the center line of Colonial Avenue in a southerly direction to its intersection with an unnamed branch of Red Clay Creek, thence along the center line of an unnamed branch of the Red Clay Creek in a northeasterly direction to an intersection with the center line of B & O Railroad, thence along the center line of the B & O Railroad in an easterly direction to its intersection with the centerline along an unnamed branch of Red Clay Creek, thence along the center line of Red Clay Creek to its intersection with the center line of Wilmington Avenue, thence along a center line of Wilmington Avenue in a northeasterly direction to its intersection with the center line of the town boundary of Elsmere, thence along the center line of the town boundary of Elsmere in a southeasterly direction to its intersection with the center line of an old Reading Railroad Line, thence along the center line in a southeasterly direction of the old Reading Railroad Line to its intersection with the center line of the boundary line of the City of Wilmington, thence along the center line of the boundary line of the City of Wilmington in a northeasterly direction and then in a southeasterly direction of the center line of the boundary of the City of Wilmington, thence along the center line of the boundary line of the City of Wilmington to its intersection with the center line of the Christina River, thence along with center line of the Christina River in a northeasterly direction to its intersection with the center line of Fourth Street, thence along the center line of Fourth Street in a northwesterly direction to its intersection with the center line of Lombard Street, thence along the center line of Lombard Street in a northeasterly direction to its intersection with the center line of East Eighth Street, thence along the center line of East Eighth Street in a southeasterly Direction to its intersection with the center line of North Church Street, thence along a center line of North Church Street in a northeasterly direction to its intersection with the center line of Eleventh Street, thence along the center line of Eleventh Street in a northwesterly direction to its intersection with a center line of Kirkwood Street, thence along a center line of Kirkwood Street in a northeasterly direction to its intersection with the center line of East Twelfth Street, thence along a center line of East Twelfth Street in a northwesterly direction to its intersection with the center line of Washington Street, thence along a center line of Washington Street in a southwesterly direction to its intersection with West Tenth Street, thence along a center line of West Tenth Street in a

northwesterly direction to its intersection with the center line of North Van Buren Street, thence along the center line of North Van Buren Street in a southwesterly direction to its intersection with the center line of Eighth Street, thence along the center line of Eighth Street in a northwesterly direction to its intersection with the center line of North Franklin Street, thence along the center line of North Franklin Street in a southwesterly direction to its intersection with the center line of Seventh Street, thence along the center line of Seventh Street in a northwesterly direction to its intersection with the center line of Union Street, thence along the center line of Union Street in a southwesterly direction to its intersection with the center line of Lancaster Avenue, thence along the center line of Lancaster Avenue in a northwesterly direction to its intersection of Chestnut Run, thence south along the center line of Chestnut Run to its intersection of Faulkland Road, the point of beginning.

Fourth Senatorial District. - The 4th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Del. Route 141, also known as New Bridge Road, and the center line of Alapocas Drive, thence along the center line of Alapocas Drive in a southerly direction to its intersection with the center line of Alapocas Run, thence along the center line of Alapocas Run in a generally westerly direction with its various courses to its intersection with the center line of Brandywine Creek, thence along the center line of Brandywine Creek with its various courses in a generally southeasterly direction to its intersection with the boundary line of the City of Wilmington, thence along the boundary line of the City of Wilmington in an easterly direction to its intersection with the center line of US Route 202, also known as Concord Pike, thence along the center line of US Route 202 in a northerly direction to its intersection with the center line of Foulk Road, thence along the center line of Foulk Road in a northeasterly direction to its intersection with Weldin Road, thence along the center line of Weldin Road in an easterly direction to its intersection with Talley Road, thence along Talley Road in a southerly direction to its intersection with the center line of the B & O Railroad line, thence along the B & O Railroad line in an east-northeasterly direction to its intersection with the center line of Marsh Road, thence along the center line of Marsh Road in a southerly direction to its intersection with the center line of Carr Road, thence along the center line of Carr Road in a northeasterly direction to its intersection with the center line of Bellevue Hill Road, thence along the center line of Bellevue Hill Road in a southeasterly direction to its intersection with the center line of Philadelphia Pike, thence along the center line of Philadelphia Pike in a southwesterly direction to its intersection with the center line of Calhoun Road, thence along the center line of Calhoun Road in a southeasterly direction to its intersection with the center line of Brandywine Boulevard, thence along the center line of Brandywine Boulevard in a southwesterly direction to its intersection with the boundary line of the town of Bellefonte, thence along the boundary line of the town of Bellefonte in a southeasterly direction to its intersection with the center line of River Road, thence along the center line of River Road in a southwesterly direction to its intersection with the center line of Government Lane, thence along the center line of Government Lane in a southeasterly direction to its intersection with the center line of Governor Printz Boulevard, thence along the center line of Governor Printz Boulevard in a southwesterly direction to its intersection with the boundary line dividing 1990 census blocks 322 and 901 of New Castle County MCD/CCD 90148, thence along the census block boundary line in a southeasterly direction to the boundary line between the states of Delaware and New Jersey, thence along the Delaware-New Jersey boundary line in a northeasterly direction to its intersection with the boundary line between the states of Delaware and Pennsylvania, thence along the Delaware-Pennsylvania boundary line in a northwesterly direction to its intersection with the center line of Philadelphia Pike, thence along the center line of Philadelphia Pike in a southwesterly direction to its intersection with the center line of Franklin Avenue, thence along the center line of Franklin Avenue in a northwesterly direction to its intersection with the center line of Green Street, thence along the center line of Green Street in a southwesterly direction to its intersection with the center line of Pennsylvania Avenue, thence along the center line of Pennsylvania Avenue in a northwesterly direction to its intersection with the center line of Miles Road, thence along the center line of Miles Road in a northeasterly direction to its intersection with the center line of Glenrock Drive, thence along the center line of Glenrock Drive in a northerly direction to its intersection witht the center line of Interstate 95, thence along the center line of

Interstate 95 in a westerly direction to its intersection with the center line of the south branch of Naaman's Creek, thence along the center line of the south branch of Naaman's Creek with its various courses in a generally northwesterly direction to its intersection with the center line of the B & O Railroad line, thence along the center line of the B & O Railroad line in a southwesterly direction to its intersection with the center line of Harvey Road, thence along the center line of Harvey Road in a northwesterly direction to its intersection with the boundary line of the town of Ardencroft, thence along the boundary line of the town of Ardencroft in a southwesterly direction and then a northwesterly direction to its intersection with the boundary line of the town of Arden, thence along the boundary line of the town of Arden in a northwesterly direction to its intersection with the center line of Marsh Road, thence along the center line of Marsh Road in a southwesterly direction to its intersection with the center line of Silverside Road, thence along the center line of Silverside Road in a northwesterly direction to its intersection with the center line of Graylyn Road, thence along the center line of Graylyn Road in a southwesterly direction to its intersection with the center line of Graywell Road, thence along the center line of Graywell Road in a southeasterly direction to its intersection with the center line of Wilson Road, thence along the center line of Wilson Road in a southwesterly direction to its intersection with the center line of Shipley Road, thence along the center line of Shipley Road in a northwesterly direction to its intersection with the center line of Silverside Road, thence along the center line of Silverside Road in a westerly direction to its intersection with the center line of Brookfield Avenue, thence along the center line of Brookfield Avenue in a southerly direction to its intersection with the center line of Roseanna Avenue, thence along the center line of Roseanna Avenue in an easterly direction to its intersection with the center line of Shellpot Drive, thence along the center line of Shellpot Drive in a southerly direction to its intersection with the center line of Florence Avenue, thence along the center line of Florence Avenue in a westerly direction to its intersection with the center line of US Route 202, also known as Concord Pike, thence along the center line of US Route 202 in a southerly direction to its intersection with the center line of Sharpley Road, thence along the center line of Sharpley Road in a southwesterly direction to its intersection with the center line of Willow Run, thence along the center line of Willow Run with its various courses in a southwesterly direction to its intersection with the center line of Husband's Run, thence along the center line of Husband's Run with its various courses in a southwesterly direction to its intersection with the center line of Rockland Road, thence along the center line of Rockland Road in a southeasterly direction to its intersection with the center line of Del. Route 141, also known as New Bridge Road, thence along the center line of Del. Route 141 in a southwesterly direction to its intersection with the center line of Alapocas Drive and the point of beginning.

Fifth Senatorial District. - The 5th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Shipley Road and the center line of Wilson Road, thence northeast along the center line of Wilson Road to its intersection with the center line of Graywell Road, thence northwest along the center line of Graywell Road to its intersection with the center line of Graylyn Road, thence in a northeasterly direction from the center of Graylyn Road to its intersection with the center line of Silverside Road, thence in a southeasterly direction from the center line of Silverside Road to its intersection with the Center Line of Marsh Road, thence northeast along the center line of Marsh Road to the center line of the town boandary of the Town of Arden, thence southeast along the center line of the boundary line of the Town of Arden to its intersection with the center of the boundary line of the Town of Ardencroft, thence southeast along the boundary line of the Town of Ardencroft to its intersection with the center line of Harvey Road. thence southeast along the center line of Harvey Road to its intersection with the center line of the B & O Railroad, thence northeast along the center of the B & O Railroad to its intersection with the center line of the South Branch of Naamans Creek, thence in a southeast direction from the center line of the South Branch of Naamans Creek to its intersection with Interstate 95, thence east along the centerline of Interstate 95 to its intersection with the center line of Glenrock Drive, thence south along the center line of Glenrock Drive to its intersection with Miles Road, thence south along the center line of Miles Road to its intersection with the center line of Pennsylvania Avenue, thence south along the centerline of Pennsylvania Avenue to its intersection with the center line of Green Street, thence northeast along the center line of Green Street to its intersection with the center line of Franklin Avenue,

thence southeast along the center line of Franklin Avenue to its intersection with the center line of Philadelphia Pike, thence northeast along the center line of Philadelphia Pike to its intersection with the boundary line of the State of Delaware with the State of Pennsylvania, thence northwest along the Delaware-Pennsylvania boundary line to its intersection with the boundary line between 1990 Census Block 104A and 104B of New Castle County MCD/CCD 90148, thence southwest along the Census Block boundary line to its intersection with the center line of Dartmouth Woods Road, thence south along the center line of Dartmouth Woods Road, to its intersection with the center line of Naamans Road, thence west along the center line of Naamans Road to its intersection with the center line of Shipley Road, thence south along the center line of Shipley Road to point of beginning.

Fifth Senatorial District. - The 5th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Shipley Road and the center line of Wilson Road, thence northeast along the center line of Wilson Road to its intersection with the center line of Graywell Road, thence northwest along the center line of Graywell Road to its intersection with the center line of Graylyn Road, thence in a northeasterly direction from the center of Graylyn Road to its intersection with the center line of Silverside Road, thence in a southeasterly direction from the center line of Silverside Road to its intersection with the Center Line of Marsh Road, thence northeast along the center line of Marsh Road to the center line of the town boandary of the Town of Arden, thence southeast along the center line of the boundary line of the Town of Arden to its intersection with the center of the boundary line of the Town of Ardencroft, thence southeast along the boundary line of the Town of Ardencroft to its intersection with the center line of Harvey Road. thence southeast along the center line of Harvey Road to its intersection with the center line of the B & O Railroad, thence northeast along the center of the B & O Railroad to its intersection with the center line of the South Branch of Naamans Creek, thence in a southeast direction from the center line of the South Branch of Naamans Creek to its intersection with Interstate 95, thence east along the centerline of Interstate 95 to its intersection with the center line of Glenrock Drive, thence south along the center line of Glenrock Drive to its intersection with Miles Road, thence south along the center line of Miles Road to its intersection with the center line of Pennsylvania Avenue, thence south along the centerline of Pennsylvania Avenue to its intersection with the center line of Green Street, thence northeast along the center line of Green Street to its intersection with the center line of Franklin Avenue, thence southeast along the center line of Franklin Avenue to its intersection with the center line of Philadelphia Pike, thence northeast along the center line of Philadelphia Pike to its intersection with the boundary line of the State of Delaware with the State of Pennsylvania, thence northwest along the Delaware-Pennsylvania boundary line to its intersection with the boundary line between 1990 Census Block 104A and 104B of New Castle County MCD/CCD 90148, thence southwest along the Census Block boundary line to its intersection with the center line of Dartmouth Woods Road, thence south along the center line of Dartmouth Woods Road, to its intersection with the center line of Naamans Road, thence west along the center line of Naamans Road to its intersection with the center line of Shipley Road, thence south along the center line of Shipley Road to point of beginning.

Sixth Senatorial District. -- The 6th Senatorial District shall comprise: all that portion of New Castle County beginning at the intersection of the center line of Delaware Route #273, also know as Nottingham Road, and the boundary of the State of Maryland and the State of Delaware, thence in an easterly direction along the center line of Route #273 (Nottingham Road) to its intersection with the center line of Wedgewood Road, thence in a northeast direction along the center line of Wedgewood Road to its intersection with the center line of Delaware Route #896, also known as New London Road, thence in a southeast direction along the center line of Delaware Route #896, also known as New London Road, to its intersection with the center line of Ray Street, thence in an easterly direction along the center line of Ray Street to its intersection with the center line of North College Avenue, thence in a southerly direction along the center line of North College Avenue to its intersection with the Center line of Main Street, thence along the center line of Main Street in a westerly direction to its intersection with the center line of Capitol Trail, thence in a northeast direction along the center line of Capitol Trail to its intersection with the center line of Washington Street, thence in a northerly direction along the center line of Washington Street to its intersection with the center line of McKees Lane, thence in a

northerly direction along the center line of McKees Lane to its intersection with the center line of a northern extension of McKees Lane, thence in a northerly direction along the center line of a northern extension of McKees Lane to its intersection with the center line of the White Clay Creek, thence in an easterly direction along the center line of the White Clay Creek to its intersection with the center line of an unnamed branch of the White Clay Creek, thence in a northerly direction along the center line of said branch to its intersection with the center line of Saint Regis Drive, thence in a southwesterly direction along the center line of Saint Regis Drive to its intersection with the center line of Chapel Hill Drive, thence in a southerly direction along the center line of Chapel Hill Drive to its southernmost intersection with the center line of Aronimink Drive, thence in a northwesterly direction along the center line of Aronimink Drive to its intersection with the center line of Decker Drive, thence in a northwesterly direction along the center line of Decker Drive to its intersection with the center line of Eileen Drive, thence in a northeasterly direction along the center line of Eileen Drive to its intersection with the center line of Possum Park Road, thence in a northwesterly direction along the center line of Possum Park Road to its intersection with the center line of the boundary line between 1990 Census Block 913F and 913B of the New Castle County MCD/CCD 91184, thence in a westerly direction, in a meandering fashion, along said boundary to its intersection with the center line of Paper Mill Road, thence in a northeasterly direction along the center line of Paper Mill Road to its intersection with the center line of Thompson Station Road, thence in a northwesterly direction along the center line of Thompson Station Road to its intersection with the center line of Smith Mill Road, thence in a northeasterly direction along the center line of Smith Mill Road to its intersection with the center line of county road #308, thence in a northerly direction along the center line of county road #308 to its intersection with the center line of Pleasant Hill Road, thence in a northeasterly direction along the center line of Pleasant Hill Road to its intersection with the center line of Corner Ketch Road, thence in a northwesterly direction along the center line of Corner Ketch Road to its intersection with the center line of Wilmington - Landenberg Road, also known as Doe Run Road, thence in a northerly direction along the center line of Wilmington - Landenberg Road, also known as Doe Run Road to its intersection with the center line of Crossan Road, thence in an easterly direction along the center line of Crossan Road to its intersection with the center line of Pike Creek, thence in a southeast direction along the center line of Pike Creek to its intersection with the center line of county road #296, thence in an easterly direction along county road #296 to its intersection with the center line of North Star Road, thence in a northerly direction along the center line of North Star Road to its intersection with the point where the center lines of North Star Road and Crossan Road intersect, thence in a northeasterly direction along an imaginary line dividing the communities of Ainsley Woods and North Star from the community of Lambeth Riding to the point where said imaginary line intersects with the center lines of Henderson Road and Brackenville Mill Road and Limestone Road, thence in a southerly direction along the center line of Limestone Road to its intersection with the center line of Mendenhall Road, thence in an easterly direction along the center line of Mendenhall Road to its intersection with the center line of Mill Creek, thence in a northerly direction along the center line of Mill Creek to its intersection with Brackenville Mill Road, thence in a northeasterly direction along the center line of Bracken Mill Road to its intersection with the center line of Old Wilmington Road, thence in a southeasterly direction along the center line of Old Wilmington Road to its intersection with the boundary line between the 1990 census blocks 913 and 914 of Castle County, MCD/CCD 92960, thence in an easterly direction along the boundary line of 1990 census blocks 913 and 914 of New Castle County MDC/CCD 92960 to its intersection with the center line of Wooddale Road, thence along the center line of Wooddale Road in a southeasterly direction to its point of intersection with the center line of Barley Mill Road, thence in a southeast direction along the center line of Barley Mill Road to its intersection with the center line of Centre Road, thence in a southwest direction along the center line to Centre Road to its intersection with the center line of Lancaster Pike, thence in a southeast direction along the center line of Lancaster Pike to its intersection with the center line of North DuPont Road, thence in a northerly direction along the center line of North DuPont Road to its intersection with the boundary line of the City of Wilmington, thence in a southeast direction along the boundary line of the City of Wilmington to its intersection with the center line of Greenhill Avenue, thence in a northeast direction along the center line of Greenhill Avenue to its intersection with the boundary line of the City of

Wilmington, thence in a clockwise direction along the boundary line of the City of Wilmington to its intersection with the center line of Alapocas Run thence in a northeast direction along the center line of Alapocas Run to its intersection with Alapocas Drive, thence northwest along the center line of Alapocas Drive to its intersection with Del. Route #141, also known as New Bridge Road, thence in a northeast direction along Del. Route #141, also known as New Bridge Road, to its intersection with the center line of Rockland Road, thence in a northwest direction along the center line of Rockland Road to its intersection with the center line of Husbands Run, thence in a northeast direction along the center line of Husbands Run to its intersection with the center line of Willow Run, thence in a northeast direction along the center line of Willow Run to its intersection with the center line of Sharpley Road, thence southeast along the center line of Sharpley Road to its intersection with the center line of U. S. Route #202, also known as Concord Pike, thence in a north direction along the center line of U. S. Route #202, also known as Concord Pike, to its intersection with the center line of Florence Avenue, thence in an easterly direction along the center line of Florence Avenue to its intersection with the center line of Shellpot Drive, thence in a north direction along the center line of Shellpot Drive to its intersection with the center line of Roseanna Avenue, thence in a westerly direction along the center line of Roseanna Avenue to its intersection with the center line of Brookfield Avenue, thence in a northerly direction along the center line of Brookfield Avenue to its intersection with the center line of Silverside Road, thence in an easterly direction along the center line of Silverside Road to its intersection with the center line of Shipley Road, thence in a northerly direction along the center line of Shipley Road to its intersection with the center line of Naaman's Road, thence in an easterly direction along the center line of Naaman's Road to its intersection with the center line of Dartmouth Woods Road, thence in a northeasterly direction along the center line of Dartmouth Woods Road to its intersection with the center of the boundary line between 1990 census blocks 104A and 104B of New Castle County, MCD/CCD 90148, thence in a northerly direction of the center line of census blocks to the center line of the boundary of the States of Pennsylvania and Delaware, thence in a generally westerly direction along the boundary line of the State of Pennsylvania and State of Delaware to its intersection with the center line of the boundary line of the State of Maryland and State of Delaware, thence along the center line of the boundary line of the State of Maryland and State of Delaware, to point of beginning.

Seventh Senatorial District. - The 7th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Brackenville Mill Road and the center Line of Mill Creek, thence in a southeasterly direction along the center line of Mill Creek by its various courses to its intersection with the center line of Stoney Batter Road, thence along the center line of Stoney Batter Road in a northeasterly direction to its point of intersection with the center line of Mill Creek Road, thence along the center line of Mill Creek Road in an easterly direction to its point of intersection with the center line of Newport Gap Pike, thence along the center line of Newport Gap Pike in a southeasterly direction to its point of intersection with the center line of Milltown Road, thence along the center line of Milltown Road in a southwesterly direction to its point of intersection with the center line of Duncan Road, thence along the center line of Duncan Road in a southeasterly direction to its point of intersection with the center line of Newport Road, thence along the center line of Newport Road in a southeasterly direction to its point of intersection with the center line of Red Clay Creek, thence along the center line of Red Clay Creek in a southeasterly direction by its various courses to its intersection with Kiamensi Road, thence along the center line of Kiamensi Road in an easterly direction to its point of intersection with the center line of Newport Gap Pike, thence along the center line of Newport Gap Pike in a southeasterly direction to its point of intersection with the center line of Del. Route 141, thence along the center line of Route 141 in a southeasterly direction to its point of intersection with the boundary of the Town of Newport, thence along the Newport town boundary line in a southeasterly direction to its point of intersection with the center line of South Maryland Avenue, thence along the center line of Maryland Avenue in a northeasterly direction to its point of intersection with the center line of the old Reading Railroad right of way, thence along the center line of the railroad right of way in a northwesterly direction to its point of intersection with the center line of the boundary line of the Town of Elsmere, thence along the Elsmere town boundary line in a northwesterly direction to its point of intersection with the center line of Wilmington

Avenue, thence along the center line of Wilmington Avenue in a southwesterly direction to its point of intersection with the center line of the B & O Railroad right of way, thence along the center line of the railroad right of way in a northeasterly direction to its point of intersection with the center line of Colonial Avenue, thence along the center line of Colonial Ave. in a northerly direction to its point of intersection with the center line of Boulevard Road, thence along the center line of Boulevard Road in a westerly direction to its point of intersection with the center line of duPont Road, thence along the center line of duPont Road in a northerly direction to its point of intersection with the boundary of the Town of Elsmere, thence in a southwesterly direction along the Elsmere town boundary line to its point of intersection with the center line of the old Reading Railroad right of way; thence along the center line of the railroad right of way in a northwesterly direction to its point of intersection with the center line of Faulkland Road, thence along the center line of Faulkland Road in a westerly direction to its point of intersection with the center line of Chestnut Run, thence along the center line of Chestnut Run in a northerly direction by its various courses to its intersection with Lancaster Pike, thence along the center line of Lancaster Pike in a northwesterly direction to its point of intersection with the center line of Centre Road, thence along the center line of Centre Road in a northeasterly direction to its point of intersection with the center line of Barley Mill Road, thence along the center line of Barley Mill Road in a northwesterly direction to its point of intersection with the center line of Wooddale Road, thence along the center line of Wooddale Road in a northwesterly direction to its point of intersection with the boundary between 1990 Census Blocks 913 and 914 of New Castle County MCD/CCD 92960, thence along the census block boundary line in a westerly direction to its point of intersection with the center line of Old Wilmington Road, thence along the center line of Old Wilmington Road in a northwesterly direction to its point of intersection with the center line of Brackenville Mill Road, thence along the center line of Brackenville Mill Road in a southwesterly direction to its point of intersection with the center line of Mill Creek and point of beginning.

Eighth Senatorial District - The 8th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Thompson Station Road with the intersection of the center line of Paper Mill Road, thence in a southerly direction along Paper Mill Road to its intersection with the boundary line between 1990 Census Blocks 913F and 913B of New Castle County MCD/CCD 91184, thence in a meandering fashion along said boundary line to its intersection with the center line of Possum Park Road, thence in a southeasterly direction along the center line of Possum Park Road to its intersection with the center line of Eileen Drive, thence in a southwesterly direction along the center line of Eileen Drive to its intersection with the center line of Decker Drive, thence in a southeasterly direction along the center line of Decker Drive to its intersection with the center line of Aronimink Drive, thence in a southerly direction along the center line of Aronimink Drive to its southernmost intersection with the center line of Chapel Hill Drive, thence in a northerly direction along the center line of Chapel Hill Drive to its intersection with the center line of Saint Regis Drive, thence in a northeasterly direction along the center line of Saint Regis Drive to its intersection with the center line of an unamed branch of the White Clay Creek, thence in a southerly direction along the center line of said branch to its intersection with the center line of the White Clay Creek, thence in an easterly direction along the center line of the White Clay Creek to its intersection with the center line of Capitol Trail, thence in an easterly direction along the center line of Capitol Trail to its intersection with the center line of Middle Run, thence generally in a northerly direction along the center line of Middle Run by its several courses to its intersection with the center line of Foxden Road, thence in an easterly direction along the center line of Foxden Road to its intersection with the center line of Ebenezer Church Road (formerly Polly Drummond Hill Road), thence in a southerly direction along the center line of Ebenzer Church Road (formerly Polly Drummond Hill Road) to its intersection with the center line of Henderson Road, thence in an easterly direction along the center line of Henderson Road to its intersection with the center line of Upper Pike Creek Road, thence northerly along the center line of Upper Pike Creek Road to its intersection with the center line of Linden Hill Road, thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road, thence in a southeasterly direction along the center line of Limestone Road to its intersection with the center line of Main Street, thence in an easterly

direction along Main Street to its intersection with the center line of Red Clay Creek, thence in a northeasterly direction along the center line of Red Clay Creek by its several courses to its intersection with the center line of Newport Road, thence in a northwesterly direction along the center line of Newport Road to its intersection with the center line of Greenbank Road, thence in a northerly direction along the center line of Greenbank Road to its intersection with the center line of Duncan Road, thence in a northwesterly direction along the center line of Duncan Road to its intersection with the center line of Milltown Road, thence in an easterly direction along the center line of Milltown Road to its intersection with the center line of Newport Gap Pike, thence in a northwesterly direction along the center line of Newport Gap Pike to its intersection with the center line of Mill Creek Road, thence in a westerly direction along the center line of Mill Creek Road to its intersection with the center line of Stoney Batter Road, thence in a southwesterly direction along the center line of Stoney Batter Road to its intersection with the center line of Mill Creek, thence in a northwesterly direction along the center line of Mill Creek by its several courses to its intersection with the center line of an eastern extension of Mendenhall Mill Road, thence in a westerly direction along the center line of an extension of Mendenhall Mill Road to its intersection with the center line of Mendenhall Mill Road, thence in a westerly direction along the center line of Mendenhall Road to its intersection with the center line of Limestone Road, thence in a northerly direction along the center line of Limestone Road to its intersection with the center lines of Henderson and Brackenville Mill Roads and an imaginary line dividing the communities of Ainsley Woods and North Star from the community of Lambeth Riding, thence with said imaginary line in a generally southwesterly direction to its intersection with the point where the center lines of North Star Road and Crossan Road intersect, thence in a southerly direction along the center line of North Star Road to its intersection with the center line of County Road 296, thence along the center line of County Road 296 in a westerly direction to its intersection with the center line of Pike Creek, thence along the center line of Pike Creek in a northwesterly direction to its intersection with the center line of Crossan Road, thence in a westerly direction along the center line of Crossan Road to its intersection with the center line of Doe Run Road, thence in a southerly direction along the center line of Doe Run Road to its intersection with the center line of Corner Ketch Road, thence in a southeasterly direction along the center line of Corner Ketch Road to its intersection with the center line of Pleasant Hill Road, thence in a southwesterly direction along the center line of Pleasant Hill Road to its intersection with the center line of County Road 308, thence in a southerly direction along the center line of County Road 308 to its intersection with the center line of Smith Mill Road, thence in a southwesterly direction along Smith Mill Road to its intersection with the center line of Thompson Station Road, thence in a southeasterly direction along the center line of Thompson Station Road to its intersection with the center line of Paper Mill Road, point of beginning.

Ninth Senatorial District. - The 9th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Christiana-Ogletown Road (Del. Route 273) with the center line of Christina River; thence generally in an easterly and northerly direction along the center line of Christina River, by its several courses, to its intersection with the center line of the southern boundary of the Town of Newport; thence in a counterclockwise direction along the center line of the boundary of the Town of Newport, to its intersection with the centerline of Newport Gap Pike; thence in a northerly direction along the center line of Newport Gap Pike to its intersection with the center line of Kiamensi Road; thence in a northwesterly direction along the center line of Kiamensi Road to its intersection with the center line of Red Clay Creek; thence southwesterly along the center line of Red Clay Creek by its several courses to its intersection with the center line of Main Street; thence in a westerly direction along the center line of Main Street, to its intersection with the center line of Limestone Road, thence in a northwesterly direction along the center line of Limestone Road to its intersection with the center line of Linden Hill Road, thence in a southwesterly direction along the center line of Linden Hill Road to its intersection with the center line of Upper Pike Creek Road, thence in a southerly direction along the center line of Upper Pike Creek Road to its intersection with the center line of Henderson Road, thence in a westerly direction along the center line of Henderson Road to its intersection with the center line of Ebenezer Church Road (formerly Polly Drummond Hill Road), thence in a northerly direction along the center line of Ebenezer Church Road (formerly Polly Drummond Hill Road), to its

intersection with the center line of Foxden Road, thence generally along the center line of Foxden Road to its intersection with the center line of Middle Run Creek, thence generally in a southerly direction along the center line of Middle Run Creek, by its several courses, to its intersection with the center line of Capitol Trail, thence westerly along the center line of Capitol Trail to its intersection with the center line of White Clay Creek, thence generally in a northeasterly direction along the center line of White Clay Creek, by its various courses, to its intersection with the center line of Harmony Road, thence southeasterly along the center line of Harmony Road to its intersection with the center line of the Ogletown-Stanton Road (Del. Route 4), thence in a southwesterly direction with the center line of the Ogletown-Stanton Road to its intersection with the center line of Salem Church Road, thence in a southerly direction along the center line of Salem Church Road to its intersection with the center line of Elm Drive, thence in an easterly direction along the center line of Elm Drive to its intersection with the center line of Robert Oakes Lane; thence in southerly direction along the center line of Robert Oakes Lane to its intersection with the center line of Regal Boulevard, thence in a southerly along the center line of Regal Boulevard to its intersection with the center line of Brownleaf Road, thence in a northeasterly direction along the center line of Brownleaf Road to its intersection with the center line of Sonant Drive; thence in an east-southeasterly direction along the center line of Sonant Drive to its intersection with the center line of Stature Drive, thence in an easterly direction along the center line of Stature Drive to its intersection with the center line of Stature Court, thence in an easterly direction along the center line of Stature Court to its intersection with the center line of an unnamed branch of Christina River, thence generally in a southerly direction along the center line of the unnamed branch of Christina River, by its various courses, to its intersection with the center line of Interstate 95, thence in a northeasterly direction with the center line of Interstate 95 to its intersection with the center line of the Christiana-Ogletown Road (Del. Route 273), thence in a southeasterly direction with the center line of the Christiana-Ogletown Road to its intersection with the center line of Christina Creek, point of beginning.

Tenth Senatorial District. - The 10th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Nottingham Road (Del. Route 273) and the boundary of the States of Maryland and Delaware, thence with said state boundary line in a southerly direction to its intersection with the center line of U.S. Route 40; thence in an easterly direction along the center line of Route 40 to its intersection with the center line of the Conrail Right of Way, thence in a northerly direction along the center line of the Conrail Right of Way to its intersection with the center line of Belltown Run and Beck's Pond to its intersection with the center line of Salem Church Road, thence in a northerly direction along the center line of Salem Church Road to its intersection with the center line of Old Baltimore Pike, thence in a westerly direction along the center line of Old Baltimore Pike to its intersection with the center line of Del. Route 72, thence in a northerly direction along the center line of Del. Route 72 to its intersection with the center line of Interstate Route 95, thence in an easterly direction along the center line of Interstate 95 to its intersection with the 1990 Census Block Boundary between census blocks 211 and 212 of New Castle County MCD/CCD 91184, thence with the center line of said census block boundary line in a northerly direction, and then an easterly direction and then a northeasterly direction, to its intersection with the center line of Broadfield Drive; thence in an east-northeasterly direction along the center line of Broadfield Drive to its intersection with the center line of Longfield Road, thence in a northwesterly direction along the center line of Longfield Road to its intersection with the center line of Scottfield Drive, thence in a counterclockwise direction along the center line of Scottfield Drive to its intersection with the center line of Scottfield Turn, thence in a northwesterly direction along the center line of Scottfield Turn to its intersection with the center line of Del. Route 72 and Del. Route 2, thence in a northerly direction along the center line of Routes 72 and 2 to their intersection with the center line of the Amtrak Railroad right-of-Way, thence in an easterly direction along the center line of the Amtrak right-of-way to its intersection with the center line of Marrows Road, thence in a northwesterly direction along the center line of Marrows Road to its intersection with the center line of Ogletown Road, Del. Route 273, thence in a westerly direction along the center line of Ogletown Road to its intersection with the center line of Main Street, thence in a westerly direction along the center line of Main Street to its intersection with the

center line of North College Avenue to its intersection with the center line of Ray Street; thence along the center line of Ray Street in a westerly direction to its intersection with the center line of New London Road, Del. Route 896, thence along the center line of New London Road in a northwesterly direction to its intersection with the center line of Wedgewood Road, thence in a southwesterly direction along the center line of Wedgewood Road to its intersection with the center line of Nottingham Road (Del. Route 273), thence in a northwesterly direction along the center line of Nottingham Road to point of beginning.

Eleventh Senatorial District - The 11th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of State Road 4 with the center line of Delaware Route 72 and 2, thence in a southerly direction along the center line of Delaware Route 72 and 2 to its intersection with the center line of Scottfield Turn, thence in a northeasterly direction along the center of Scottfield Turn to its intersection with the center line of Scottfield Drive, thence in a clockwise direction along the center line of Scottfield Drive to its intersection with the center line of Longfield Road, thence in a southeasterly direction long the center line of Longfield Road to its intersection with the center line of Broadfield Drive, thence in a west-southwesterly direction along the center line of Broadfield Drive to its intersection with the 1990 Census Block Boundary between census blocks 211 and 212 of New Castle County MCD/CCD 91184, thence in a southwesterly direction, then a westerly direction and then a southerly direction along the center line of said census block boundary to its intersection with the center line of Interstate Route 95, thence in a westerly direction along the center line of Interstate Route 95 to its intersection with the center line of Delaware Route 72, thence in a southerly direction along the center line of Delaware Route 72 to its intersection with the center line of Old Baltimore Pike, thence in an easterly direction along the center line of Old Baltimore Pike to its intersection with the center line of Salem Church Road, thence in a southerly direction along the center line of Salem Church Road to its intersection with the center line of US Route 40, thence in a northeasterly direction along the center line of US Route 40 to its intersection with the center line of Walther Road, thence in a northwesterly direction along the center line of Walther Road to its intersection with the center line of Christina River, thence in a northeasterly direction along the center line of Christina River to its intersection with the center line of Smalleys Pond, thence in a northeasterly direction along the center line of Smalleys Pond to its intersection with the center line of Christina River, thence in a northeasterly direction along the center line of Christina River to its intersection with the center line of the Christiana-Ogletown Road (Del. Route 273), thence in a northwesterly direction along the center line of the Christiana-Ogletown Road to its intersection with the center line of US Interstate 95, thence in a southwesterly direction along the center line of US Interstate 95 to its intersection with the center line of an unnamed branch of Christina River, thence generally in a northerly direction along the center line of the unnamed branch of Christina River, by its various courses, to its intersection with Stature Court, thence in a westerly direction along the center line of Stature Court to its intersection with the center line of Stature Drive, thence in a westerly direction along the center line of Stature Drive to its intersection with the center line of Sonant Drive, thence in a west-northwesterly direction along the center line of Sonant Drive to its intersection with the center line of Brownleaf Road, thence in a southwesterly direction along the center line of Brownleaf Road to its intersection with the center line of Regal Boulevard, thence in a northerly direction along the center line of Regal Boulevard to its intersection with the center line of Robert Oakes Lane, thence in a northerly direction along the center line of Robert Oakes Lane to its intersection with the center line of Elm Drive, thence in a westerly direction along the center line of Elm Drive to its intersection with the center line of Salem Church Road, thence in a northerly direction along the center line of Salem Church Road to its intersection with the center line of Ogletown-Stanton Road, thence in a northeasterly direction along the center line of the Ogletown-Stanton Road to its intersection with the center line of Harmony Road, thence in a northwesterly direction along the center line of Harmony Road to its intersection with the center line of White Clay Creek, thence in a westerly direction along the center line of White Clay Creek to its intersection with the center line of a northern extension of McKees Lane, thence in a southerly direction along a northern extension of McKees Lane to its intersection with the center line of McKees Lane, thence in a southerly direction along the

center line of McKees Lane to its intersection with the center line of Washington Street, thence in a southerly direction along the center line of Washington Street to its intersection with the center line of the Capitol Trail, thence in a southwesterly direction along the center line of the Capitol Trail to its intersection with the center line of East Main Street, thence in an easterly direction along the center line of East Main Street to its intersection with the center line of Ogletown Road, thence in an easterly direction along the center line of Ogletown Road to its intersection with the center line of Marrows Road, thence in a southeasterly direction along the center line of Marrows Road to its intersection with the center line of the Amtrak Right-of-Way, thence in a westerly direction along the center line of the Amtrak Right-of-Way to its intersection with the center line of Delaware Route 72 and Delaware Route 2, thence in a southerly direction along the center line of the Delaware Route 72 and Delaware 2 to its intersection with the center line of State Road 4, to point of beginning.

Twelfth Senatorial District: The 12th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of US Route 40 and the center line of Del. Route 896, thence south on Del. Route 896 to the center line of Porter Road, thence easterly along the center line of Porter Road to its intersection with the center line of Woods Road, thence southeast along the center line of Woods Road to its intersection with the center line of Howell School Road, thence southeast along the center line of Howell School Road to its intersection with the center line of Del. Route 71 (Red Lion Road), thence northeast along the center line of Del. Route 71 to its intersection with the center line of the Conrail tracks, thence north along the Conrail tracks to the center line of Del. Route 72, thence southeast along the center line of Del. Route 72 to its intersection with the center line of US Route 13, thence northeast along the center line of US Route 13 to its intersection with the center line of Hamburg Road, thence southeast along the center line of Hamburg Road to its intersection with the center line of Del. Route 9, thence south along the center line of Del. Route 9 to its intersection with the center line of Red Lion Creek, thence westerly along the center line of Red Lion Creek to its intersection with the western shore of the Delaware River, thence extending along a nonvisible line due east to its intersection with the boundary line between the States of Delaware and New Jersey, thence in a northerly direction along the boundary between the States of Delaware and New Jersey to its intersection with a nonvisible line extending east from the center line of Buttonwood Ditch, thence northwest along the center line of Buttonwood Ditch to its intersection with the center line of the Conrail tracks, thence southwest along the center line of the Conrail tracks to their intersection with the center line of Wilmington Road, thence north along the cente line of Wilmington Road to its intersection with the center line of Moores Lane, thence northeast along the center line of Moores Lane to its intersection with the New Castle Town boundary, thence southwest along the boundary of the Town of New Castle to its intersection with the center line of Broad Dyke Canal, thence northwest along the center line of Broad Dyke Canal to its intersection with the center line of an abandoned rail line, thence along the center line of said abandoned rail line in a northerly direction to its intersection with the center line of US Route 13, thence southwest along the center line of US Route 13 to its intersection with the center line of US Route 40, thence along the center line of US Route 40 with the center line of Bear-Christiana Road, which is Del. Route 7, thence northerly along the center line of Bear-Christiana Road to its intersection with the center line of the Christina River, thence southwest along the center line of the Christina River to its intersection with the center line of Smalleys Pond, thence southwest along the center line of Smalleys Pond to its intersection with the center line of the Christina River, thence southwest on the center line of the Christina River to its intersection with the center line of Walther Road, thence southeast along the center line of Walther Road to its intersection with the center line of US Route 40, thence southwest along the center line of US Route 40 to its intersection with the center line of Salem Church Road, thence northwest along the center line of Salem Church Road to its intersection with the center line of Belltown Run, thence south along the center line of Belltown Run to its intersection with the center line of Becks Pond, thence west along the center line of Becks Pond to its intersection with the center line of Belltown Run, thence south along the center line of Belltown Run to its intersecton with the Conrail tracks, thence southeast along the center line of the Conrail tracks to their intersection with the center line of US Route 40, thence west along the center line of US Route 40 to Del. Route 896, to point of beginning.

comprise: All that portion of New Castle County beginning at the intersection of the center line of Del. Route 7, also known as the Bear-Christiana Road, and US Highway 40, thence along the center line of Route 40 in a northeasterly direction to its intersection with the center line of US Route 13, thence along the center line of US Route 13 in a northeasterly direction to its intersection with the center line of an abandoned railroad right of way, thence along the center line of the abandoned railroad right of way in a southerly direction to its intersection with the center line of Broad Dyke Ditch, thence along the center line of Narrow Dyke Canal with its various courses in a southeasterly direction to its intersection with the center line of the boundary line of the town of New Castle, thence along the New Castle Town boundary line in a northeasterly direction to its intersection with the center line of Moore's Avenue, thence along the center line of Moore's Avenue in a southeasterly direction to its intersection with the center line of Del. Route 9, thence along the center line of Del. Route 9 in a southerly direction to its intersection with the center line of the Conrail rail line, thence along the center line of the Conrail rail line in a northeasterly direction to its intersection with the center line of Buttonwood Ditch, thence along the center line of Buttonwood Ditch in a southeasterly direction to its intersection with the Delaware River shore, thence along the Delaware River shore in a northeasterly direction to its intersection with the northeastern boundary line of the town of New Castle, thence along the boundary line of the town of New Castle in a northwesterly direction to its intersection with the center line of Del. Route 9, thence along the center line of Del. Route 9 in a northeasterly direction to its intersection with Landers Lane , also known as County Road 373, thence along the center line of Landers Lane in a northwesterly direction to its intersection with the center line of Moore's Lane, also known as County Road 374, thence along the center line of Moore's Lane in a northeasterly direction to its intersection with the center line of County Road 373A, thence along the center line of County Road 373A in a northwesterly direction to its intersection with the center line of US Route 40 east of its intersection with Interstate 295, thence along the center line of US Route 40 and Interstate 295 in an easterly direction to its intersection with the point where an imaginary line running midway between Hazeldel Avenue and Karlyn Drive from a point on US Route 13, 130 feet northeast of Hazeldel Avenue, meets Interstate Route 295 and US Route 40, thence northerly along the center line of said imaginary line to its intersection with the center line of US Route 13, thence along the center line of US Route 13 in a northeasterly direction to its intersection with the center line of Memorial Drive, thence along the center line of Memorial Drive in a southeasterly direction to its intersection with the center line of West Avenue, thence along the center line of West Avenue in a southeasterly direction to its intersection with the center line of 11th Street, thence along the center line of 11th Street in an east-southeasterly direction to its intersection with the center line of East Avenue, thence along the center line of East Avenue in a northeasterly direction to its intersection with the center line of Lambson Lane, also known as County Road 370, thence along the center line of Lambson Lane in a westerly direction to its intersection with the center line of Del. Route 9, thence along the center line of Del. Route 9 in a northeasterly direction to its intersection with the center line of Rogers Road. also known as County Road 369, thence along the center line of Rogers Road in a northwesterly direction to its intersection with the center line of US Route 13. thence along the center line of US Route 13 in a northwesterly direction to its intersection with the boundary line of the City of Wilmington, thence along the boundary line of the City of Wilmington in a northwesterly direction to its intersection with the center line of the Reading Railroad tracks, thence along the center line of the Reading Railroad tracks in a southwesterly direction to a fork in the Reading Railroad tracks, thence with the center line of the west fork of the Reading Railroad tracks in a generally northwesterly direction to its intersection with the center line of North Maryland Avenue, thence along the center line of North Maryland Avenue in a southwesterly direction to its intersection with the boundary line of the town of Newport, thence along the Newport town boundary in a generally southeasterly direction to its intersection with the Christina River, thence along the center line of the Christina River with its various courses in a generally southwesterly direction to its intersection with the center line of Del. Route 7, also known as the Bear-Christiana Road, thence along the center line of Del. Route 7 in a southerly direction to its intersection with Del. Route 40, to point of beginning.

Fourteenth Senatorial District. -- The 14th Senatorial District shall comprise: All that portion of Kent County and New Castle County beginning at the intersection of the center line of the boundary between the States of Maryland and Delaware with the center line of the boundary between New Castle County and Kent County, thence in a southeasterly direction along the center line of the New Castle County boundary to the intersection of the northwestern boundary of the Town of Clayton, thence in a southeasterly, southwesterly, southeasterly, northeasterly direction to the intersection of the boundary of the Town of Smyrna, thence following the southern boundary of the Town of Smyrna in a meandering fashion to its intersection with Lake Como, thence in a meandering fashion along the center of Lake Como to its junction with Mill Creek, thence along Mill Creek by its several courses northeasterly to its intersection with the eastern boundary of the Town of Smyrna, thence in a counterclockwise direction along the middle of the boundary of the Town of Smyrna to its intersection with the middle of the boundary between Kent County and New Castle County, thence in a northeasterly direction along the center line of New Castle County and Kent County boundaries to the Delaware Bay, thence in a northeasterly direction to the Delaware River by all its courses, thence in a northwesterly direction along the center line of the Delaware River to its intersection with the center line of Red Lion Creek, thence in a westerly direction along the center line of Red Lion Creek to its intersection with the center line of Hamburg Road (Delaware 9), thence in a northerly direction along the center line of Hamburg Road (Delaware 9), to its intersection with the center line of Bear Tybouts Road (County Road 381), thence in a northwesterly direction along the center line of Bear Tybouts Road (County Road 381) to its intersection with the center line of the southbound lane of US 13, thence along the center line of the southbound lane of US 13 to its intersection with the center line of US 301 South, thence in a southwesterly direction along the center line of US 301 South to its intersection with the center line of Del. 72, thence in a generally northwesterly direction along the center line of Del. 72 to its intersection with the center line of the Conrail tracks, thence in a southerly direction along the center line of the Conrail tracks to their intersection with the center line of US Route 301, thence in a southerly direction along the center line of Route 301 to its intersection with the center line of County Road 54, thence in a westerly direction along the center line of County Road 54 to its intersection with the center line of County Road 402, thence in a northerly direction along the center line of County Road 402 to its intersection with the center line of County Road 400, thence in a westerly direction along the center line of Court Road 400 to its intersection with the center line of Del. Route 896, thence in a northerly direction along the center line of Del. 896 to its intersection with the center line of the westbound lane of Pulaski Highway (US Route 40), thence westerly along the center line of the westbound lane of the Pulaski Highway (US Route 40) to the center line of the boundary between the States of Maryland and Delaware, thence south along the center line of the boundary line between the States of Maryland and Delaware to its intersection with the center of the boundary line between New Castle County and Kent County.

Fifteenth Senatorial District. -- The 15th Senatorial District shall comprise: All that portion of Kent County as follows beginning at the intersection of the boundary between the States of Delaware and Maryland and the intersection of the center line of Delaware 12, thence in a northeasterly direction along the center line of Delaware 12 to its intersection with the center line of County Road 274, thence in a southeasterly direction along the center line of County Road 274 to its intersection with the center line of County Road 275, thence in a southeasterly direction along the center line of County Road 275 to its intersection with the center line of County Road 279, thence in a northeasterly direction along the center line of County Road 279 to its intersection with the center line of County Road 78, thence in a southeasterly direction along the center line of County Road 78 to its intersection with the center line of County Road 289, thence in an easterly direction along the center line of County Road 289 to its intersection with the center line of County Road 428, thence in an easterly direction to the intersection of the center line of County Road 35, thence northeasterly along the center line of County Road 35 to its intersection with the center line of Del. Route 15, thence northerly along the center line of Del. Route 15 to its intersection with the center line of County Road 33, thence northerly along the center line of County Road 33 to its intersection with the center line of County Road 371, thence in an easterly direction along the center line of County Road 371 to its intersection with the center line of Hudson Branch, thence northerly along the center line of Hudson Branch to its intersection

with the center line of County Road 31, thence northeasterly along the center line of County Road 31 to its intersection with the center line of County Road 105, thence in a northerly direction along the center line of County Road 105 to its intersection with the center line of Double Run, thence in an easterly direction along the center line of Double Run to its intersection with the center line of the first unnamed stream entering from the north, as shown on the 1980 Census Map of Kent County, thence in a northwesterly direction along the center line of said unnamed stream to its intersection with the center line of a county unnamed road, or the northern boundary of London Village, which is also the site of the boundary between 1990 Census blocks 207 and 208 Kent County MCD/CCD 90444, thence in a westerly direction along the center line of said unnamed road or boundary to its intersection with the center line of County Road 105, thence in a northerly direction along the center line of County Road 105 to its intersection with the center line of County Road 30, thence in a westerly direction along the center line of County Road 30 to its intersection with the center line of U.S. 13, thence in a northerly direction along the center line of U.S. 13 to its intersection with the center line of County Road 361, thence in a westerly direction to its intersection with the center line of U.S. 13A, thence in a southerly direction along the center line of U.S. Route 13A to its intersection with the center line of County Road 234, thence in a southwesterly direction along the center line of County Road 234 to its intersection with the center line of County Road 125, thence in a northerly direction along the center line of County Road 125 to its intersection with a boundary line between 1990 Census blocks 201 and 209 of Kent County MCD/CCD 90444, thence in a westerly direction along said boundary line to a point where it intersects with the center line of Almshouse Branch, thence northerly along the center line of Almshouse Branch to its intersection with the center line of County Road 202, thence in a westerly direction along County Road 202 to its intersection with the center line of County Road 204, thence northerly along the center line of County Road 204 to its intersection with the center line of County Road 73, thence in a southwesterly direction along the center line of Road 73 to its intersection with the center line of Road 199, thence in a generally northern direction along the center line of Road 199 to its intersection with the center line of Del 8, thence in a northerly direction along the center line of Road 158 to its intersection with the center line of Road 104, thence in a northerly direction along the center line of Road 104 to its intersection with the center line of Road 155, thence northeasterly along the center line of County Road 155 to its intersection with the center line of County Road 156, thence northeasterly along the center line of County Road 156 to its intersection with the center line of County Road 153, thence northeasterly along the center line of County Road 153 to its intersection with the center line of U.S. Route 13, thence northwesterly along the center line of U.S. Route 13 to its intersection with the center line of County Road 345, thence northeasterly along the center line of County Road 345 to its intersection with the middle of the easterly property boundaries of the subdivision of Eberton, thence northerly along the middle of the easterly boundaries of the subdivision of Eberton to an intersection with the middle of the easterly boundary of 1990 Census Block No. 104, Kent County MCD/CCD 90740, thence in a northeasterly direction along said boundary line extended to a point where it intersects with the center line of Del 42, thence southwesterly along the center line of State Route 42 to its intersection with the center line of U.S. Route 13, thence northwesterly along the center line of U.S. Route 13 to its intersection with the middle of the Leipsic River (Duck Creek), thence easterly along the middle of the Leipsic River (Duck Creek) to its intersection with the middle of the boundaries of the Town of Leipsic, thence in a clockwise direction around the middle of the boundaries of the Town of Leipsic to its intersection with the center line of the Leipsic River, by its several courses, thence in an easterly direction along the center line of Leipsic River to the Delaware Bay, thence in a northwesterly direction in the Delaware Bay to the boundary of New Castle County, following the boundary of New Castle County in a southerly and southwesterly direction to the northeastern boundary of the Town of Smyrna, thence in a southerly direction along the center line of the boundary of the Town of Smyrna to its intersection with Mill Creek, thence in a westerly direction along the center line of Mill Creek to its intersection with the center line of Lake Como, thence in a southwesterly direction along the center line of Lake Como to the southeasterly boundary of the Town of Smyrna, thence in a clockwise direction along the boundary of the Town of Smyrna to its intersection with the boundary of the Town of Clayton, thence in a clockwise direction along the boundary of the Town of Clayton to its intersection with the boundary between New Castle County and Kent County, thence in a southwesterly, westerly direction, along the boundary between New Castle County and Kent County to the intersection

with the center line of the boundary between the States of Delaware and Maryland, thence in a southerly direction along the said boundary to the intersection with Delaware 12 at point of beginning.

Sixteenth Senatorial District. -- The 16th Senatorial District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of the center line of State Route 15 and the center line of Browns Branch at McColley Pond, thence meandering in a northeasterly direction along the center line of the Murderkill River, thence northeasterly along the center line of the Murderkill River to its intersection with the center line of the Murderkill River to its intersection with the center line of US Route 113, thence southeasterly along the center line of US Route 113 to its intersection with the center line of Swan Creek, thence easterly along the center line of Swan Creek to its intersection with the dividing line between Kent County and Sussex County (the Mispillion River), thence along the dividing line between Kent County and Sussex County (the Mispillion River) in a meandering easterly direction to a point where its extension intersects the boundary line between the States of Delaware and New Jersey, thence northerly along said boundary line to its intersection with an extension of the St. Jones River, thence northwesterly along said extension and along the center line of the St. Jones River to its intersection with the center line of US Route 113, thence northerly along the center line of US Route 113 to its intersection with the center line of State Route 9, thence northerly along the center line of State Route 9 to its intersection with the center line of County Road 348, which is also the boundary line of Dover Air Force Base, thence following in a counterclockwise direction said boundary to its intersection with the center line of US Route 113, thence in a northerwesterly direction along the center line of US Route 113 to its intersection with the southern boundary of the City of Dover, thence southwesterly along said boundary to its intersection with the center line of the St. Jones River, thence southerly along the center line of the St. Jones River to its intersection with the center line of the St. Jones River to its intersection with the center line of Isaac Branch, thence westerly along the center line of Isaac Branch to its intersection with the center line of US Route 113A, thence northerly along the center line of US 113A to its intersection with the center line of State Street, thence north along the center line of State Street to its intersection with the center line of Wyoming Avenue, thence westerly along the center line of Wyoming Avenue to its intersection with the southern boundary of 1990 Census Block 149 of MCD/CCD 90740, thence west along said boundary line to its intersection with the center line of the Conrail tracks, thence southwesterly along the center line of the Conrail track to its intersection with the town boundary of the Town of Wyoming, thence in a counterclockwise direction along said boundary to its intersection with the center line of County Road 52, thence westerly along the center line of County Road 52 to its intersection with the center line of Almshouse Branch, thence southerly along said boundary to its intersection with County Road 125, thence southerly along the center line of County Road 125 to its intersection with the center line of County Road 234, thence easterly along the center line of County Road 234 to its intersection with the center line of U.S. Route 13A, thence northerly along the center line of U.S. Route 13A to its intersection with the center line of County Road 361, thence easterly along the center line of County Road 361 to its intersection with the center line of U.S. Route 13, thence southerly along the center line of U.S. 13 to its intersection with County Road 30, thence northeasterly along the center line of County Road 30 to its intersection with County Road 105, thence southerly along the center line of County Road 105 to its intersection with a county unnamed road, or the northern boundary of London Village which is also the site of the boundary between Enumeration Districts 232 and 233 as shown on the 1980 Census Map of Kent County, thence easterly along the center line of said road or boundary to an unnamed stream directly east of London Village as shown on the 1980 Census Map of Kent County, thence southeasterly along the center line of said stream to Double Run, thence westerly along the center line of Double Run to its intersection with County Road 105, thence southerly along the center line of County Road 105 to its intersection with County Road 31, thence southwesterly along the center line of County Road 31 to its intersection with Hudson Branch, thence southerly along the center line of Hudson Branch to its intersection with County Road 371, thence westerly along the center line of County Road 371 to its intersection with County Road 33, which is also State Route 15, thence southeasterly along the center line of State Route 15 to point of beginning.

Seventeenth Senatorial District. -- The 17th Senatorial District shall comprise: All that portion of Kent County as follows, beginning at a point on the center line of County Road 52 at Almshouse Branch, thence in an easterly direction on the center line of County Road 52 to the town limits of Wyoming, thence in a northerly, and northeasterly, easterly direction around Wyoming town limits to its intersection with the center line of the Conrail tracks, thence in a northeasterly direction along the center line of the Conrail line to its intersection with the southern boundary 1990 Census Block 149 of MCD/CCD 90740, easterly along said boundary line to its intersection with Wyoming Avenue, thence easterly along the center line of Wyoming Avenue to its intersection with State Street, thence south along the center line of State Street to its intersection with the center line of US 113A, thence in a southerly direction along the center line of US 113A to its intersection with the center line of the Isaac Branch, thence meandering in an easterly direction along the center line of the Isaac Branch to its intersection with the center line of the St. Jones River, by its several courses, thence in a northerly direction along the center line of the St. Jones River to its intersection with the southern boundary with the City of Dover, thence northeasterly along said boundary to its intersection with US 113, thence southwesterly along the center line of US 113 to its intersection with the Dover Air Force Base boundary, thence following Dover Air Force Base boundary to its intersection with the center line of State Route 9, thence in a southerly direction along the center line of State Route 9 to its intersection with the center line of the St. Jones River, thence in a southeasterly direction along the center line of the St. Jones River to the coastline of Delaware Bay, thence in a northerly direction along the coastline of Delaware Bay to the center line of Leipsic River, by its several courses, thence in a westerly direction along the center line of the Leipsic River to the middle of the eastern boundary of the Town of Leipsic, thence in a counterclockwise direction along the middle of the boundary of the Town of Leipsic to its intersection with the center of the Leipsic River, thence in a westerly direction along the center line of the Leipsic River to its intersection with the center line of U.S. Route 13, thence in a southerly direction along the center line of U.S. Route 13 to its intersection with the center line of State Route 42, thence in a northeasterly direction along the center line of State Route 42 to its intersection with an imaginary line extended from the northeast boundary of a tract located north of the subdivision of Eberton to the middle of the easterly boundary of 1990 Census Block No. 104 (Kent County MCD/CCD 90740, thence in a southeasterly direction along said boundary line extended to a point where it intersects with the center line of County Road 345, thence along the center line of County Route 345 to its intersection with the center line of US Route 13, thence southwesterly along the center line of US Route 13 to its intersection with County Road 155, thence southwesterly along the center line of County Road 155 to its intersection with County Road 104, thence southeasterly along the center line of County Road 104 to its intersection with the center line of County Road 158, thence southwesterly along the center line of County Road 158 to its intersection with the center line of Del. Route 8, thence south on County Route 199 to its intersection with the center line of Del. Route 73, thence northeast on the center line of Del. Route 73, thence along the center line of Del. 73 in a north-easterly direction to its intersection with the center line of County Road 204, thence southeast along the center line of County Road 204 to its intersection with the center line of County Road 202, thence northerly along the center line of County Road 202 to its intersection with the center line of Almshouse Branch, thence in a southerly direction along the center of Almshouse Branch to its intersection with the center line of County Road 52, the point of beginning.

Eighteenth Senatorial District. -- The 18th Senatorial District shall comprise: All that portion of Sussex and Kent Counties bounded by a line beginning at a point north of the City of Rehoboth and the community of North Shores where the east-west boundary between 1990 Census blocks 680D and 680C of Sussex County MCD/CCD 91776 meets the Atlantic Ocean, thence along said boundary line in a westerly direction to a point where said boundary line intersects the north-south boundary line between 1990 census blocks 691B and 680C of Sussex County MCD/CCD 91776, thence running in a generally northwesterly direction along said boundary line to a point where it intersects the northern boundary line of 1990 census block 691B of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the northerly boundary line of 1990 census block 691A of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the Lewes-Rehoboth Canal; thence in a southerly direction with said canal to a point where it intersects with

Holland Glade; thence meandering with the several courses of Holland Glade in a generally westerly direction to the point where Holland Glade intersects with the center line of the Conrail right-of-way; thence in a southeasterly direction with said right-of-way to the point whtere it intersects with the center line of County Road 271; thence in a southwesterly direction with the centerline of County Road 271 to the point where it intersects with the center line of Del. Route One; thence in a southeasterly direction with the centerlilne of Route One to the point where the center line of Route One intersects with the center line of Country Club Road, also known as County Road 273, and thence in a southwesterly line along the center line of Road 273 to the point where the center line of Road 273 meets White Oak Creek; thence meandering with the course of said White Oak Creek to the point where White Oak Creek meets Rehoboth Bay; thence with the shoreline of Rehoboth Bay and Love Creek to the point where said shoreline meets Delaware Route 24; thence with Del. Route 24 across Love Creek Bridge to the opposite bank of Love Creek; thence with said shoreline of Love Creek and Rehoboth Bay to a point known as Bookhammer Landing on the western shore of Rehoboth Bay where the shoreline meets an extension of a road connecting the Joy Beach development with County Road 279A; thence in a westerly direction with the center line of said connecting road to its intersection with County Road 279A; thence in a westerly direction with the center line of County Road 279A to the point where it intersects with County Road 279; thence in a southerly direction along the center line of County Road 279 to the point where it intersects with County Road 277; thence in a westerly direction with the center line of County Road 277 to the point where it intersects with County Road 278; thence ina southerly direction with the center line of County Road 278 to the point where it meets the northern shoreline of Burton's Prong of Herring Creek; thence with said shoreline in a northwesterly direction to the point where Burton's Prong meets Del. Route 24; thence in a southerly direction with the center line of Del. Route 24 to the point where it intersects with Del. Route 5; thence in a northwesterly direction with the center line of Route 5 to the point where it intersects with County Road 47; thence in a westerly direction with the center line of County Road 47 to the point where it intersects with Delaware Route 30 at Springfield Crossroads; thence in a northerly direction along the center line of Del. Route 30 to the point where it intersects with the center line of County Road 249; thence ina northeasterly direction along the center line of Road 249 to its point of intersection with the southern town boundary line marking the town limits of Milton; thence following the southern and eastern boundaries of the Town of Milton to its point of intersection with the center line of Del. Route 16; thence in a westerly direction along the center line of Route 16 to the point where it intersects with the center line of County Road 212; thence in a northerly direction along the center line of County Road 212 to its intersection with the center line of Del. Route 30; thence in a north-northwesterly direction along the center line of Route 30 to the point where it intersects with the center line of County Road 207; thence along the center line of County Road 207 in a west-southwesterly direction to the point where it intersects with the center line of County Road 211; thence along the center line of County Road 211 in a north-northwesterly direction to its point of intersection with the southeastern boundary of the City of Milford, just northwest of County Road 211-County Road 225 Intersection; thence along the southeastern boundary of the City of Milford to its most southerly extent; thence turning in a northerly direction to run along the western boundary of the City of Milford to the point where it intersects with the center line of Del. Route 36; thence with the center line of Route 36 in a southwesterly direction to its point of intersection with the center line of County Road 620; thence along the center line of Road 620 in a west-northwesterly direction to the point where Road 620 crosses Tantrough Branch, which serves as the boundary between Sussex and Kent Counties, and is redesignated as Kent County Road 442; thence along the center line of County Road 442 in a west-northwesterly direction to the point where it intersects with the center line of County Road 443; thence along the center line of Road 443 to the point where it intersects with the centerlines of County Road 384 and County Road 116; thence in a west-southwesterly direction along the center line of County Road 116 to its point of intersection with the center line of US Route 13; thence continuing across US 13 onto the center line of County Road 311 and running along the center line of County Road 312 at Five Corners; thence in a northwesterly direction along the center line of Road 312 to its point of intersection with the center line of Del. Route 14; thence in a northeasterly direction along the center line of Del. Route 14 to the point where it intersects with the center line of County Road 59; thence in a northwesterly direction along the center line of Road 59 to its point of intersection with the center line of County Road 279; thence in a northerly

direction along the center line of Road 279 to its intersection with the center line of County Road 275; thence northeasterly along the center line of County Road 279 to its intersection with the center line of County Road 284, thence easterly along the center line of County Road 289 to its intersection with the center line of US 13, thence easterly along the center line of County Road 428 to its intersection with the center line of County Road 35, thence northeasterly along the center line of County Road 35 to its intersection with the center line of Del. Route 15, thence/southeasterly along the center line of Del. Route 15 to its intersection with the center line of the Browns Branch at McColley Pond, thence in a northeasterly direction along the center line of the Murderkill River to its intersection with US Route 113, thence southeasterly along the center line of US Route 113 to its intersection with Swan Creek at Tubmill Pond, thence easterly along the center line of Swan Creek to its intersection with the dividing line between Kent County and Sussex County, thence in an easterly direction along the boundary line between Kent County and Sussex County to a point where its extension intersects the boundary line between the States of Delaware and New Jersey, thence along said boundary line south to point of beginning.

Nineteenth Senatorial District. - The 19th Senatorial District shall comprise: All that portion of Sussex and Kent Counties bounded by a line beginning at the point where the center line of Del. Route 12 intersects with the boundary line marking Delaware's westerly boundary with the State of Maryland; thence in a southerly direction with said Delaware-Maryland Boundary Line to the point where the center line of Del. Route 20 intersects with the said Delaware-Maryland Boundary Line at the Village of Reliance; thence in an easterly direction with the center line of Del. Route 20 to the point where Del. Route 20 intersects with the boundary of the city limits of the City of Seaford; thence with said boundary in a northerly and then an easterly direction to its point of intersection with the center line of Atlanta Road, also known as County Road 30; thence in a northerly direction with the center line of Atlanta Road to the point where it intersects with Herring Run; thence in an east-southeasterly direction and meandering by its several courses to the point where Herring Run intersects with the center line of County Road 543; thence with the center line of Road 543 in a northerly direction to the point where it intersects with the boundary line between 1990 census blocks 315 on the northwest and 343 on the southeast of Sussex County MCD/CCD 93404, thence in a northeasterly direction along the said boundary line to the point where census block 315 ends and census block 316 begins at the center line of the Conrail tracks and, crossing said tracks; continuing in an easterly direction along the line marking the southern boundary of census block 316 and the northerly boundary of census block 343 to the point where said boundary line intersects with the center line of County Road 546, and, crossing County Road 546, in an easterly direction along the boundary line between 1990 census blocks 317 on the north and 341 on the east, of Sussex County MCD/CCD 93404 to the point where said blocks meet 1990 census blocks 318 on the west and 319 on the east; thence along the boundary line between blocks 318 and 319 in a northerly direction to the point where said boundary line intersects with the center line of County Road 544; thence along the center line of Road 544 in an east-southeasterly direction to its intersection along the center line of U.S. Route 13; thence in a southerly direction along the center line of Route 13 to the point where it intersects with the center line of Del. Route 20; thence in an easterly direction along the center line of Del. Route 20 to the point where it intersects with the center line of County Road 516; thence in a northerly direction along the center line of Road 516 to its point of intersection with the waters of Concord Pond and Deep Creek; thence meandering in a northeasterly direction with the several courses of Concord Pond and Deep Creek to a point known as "Old Furnace" where the waters of Deep Creek pass under the center line of County Road 46; thence in an easterly direction along the center line of County Road 46 to its point of intersection with the center line of County Road 446; thence in a northeasterly direction along the center line of County Road 446 to the point where it intersects with the center line of County Road 518A; thence in an easterly direction along the center line of County Road 518A to the point where it intersects with the center line of Del. Route 9; thence in a northeasterly direction along the center line of Route 9 to the point where it intersects with the center line of County Road 518; thence in an easterly direction along the center line of Road 518 to its point of intersection with the center line of County Road 469; thence in a southerly direction along the center line of County Road 469 to the point where it intersects with the center line of County Road 325; thence in a southeasterly direction along the center line of County Road 325 to the point where it intersects with the center line of County Road 48; thence in a southeasterly

direction along the center line of County Road 48 to the point where it intersects with the center line of Del. Route 30; thence in a northerly direction along the center line of Del. Route 30 to the point where it intersects with the center line of County Road 249; thence in a northeasterly direction along the center line of Road 249 to its point of intersection with the southern town boundary line marking the town limits of Milton; thence following the southern and eastern boundaries of the Town of Milton to its point of intersection with the center line of Del. Route 16; thence in a westerly direction along the center line of Route 16 to the point where it intersects with the center line of County Road 212; thence in a northerly direction along the center line of County Road 212 to its intersection with the center line of Del. Route 30; thence in a north-northwesterly direction along the center line of Route 30 to the point where it intersects with the center line of County Road 207; thence along the center line of County Road 207 in a west-southwesterly direction to the point where it intersects with the center line of County Road 211; thence along the center line of County Road 211 in a north-northwesterly direction to its point of intersection with the southeastern boundary of the City of Milford just northwest of the County Road 211-County Road 225 Intersection; thence along the southwestern boundary of the City of Milford to its most southerly extent; thence turning in a northerly direction to run along the western boundary of the City of Milford to the point where it intersects with the center line of Del. Route 36; thence with the center line of Route 36 in a southwesterly direction to its point of intersection with the center line of County Road 620; thence along the center line of Road 620 in a west-northwesterly direction to the point where Road 620 crosses Tantrough Branch, which serves as the boundary between Sussex and Kent Counties, where Sussex County Road 620 becomes Kent County Road 442; thence along the center line of County Road 442 in a west-northwesterly direction to the point where it intersects with the center line of County Road 443; thence along the center line of Road 443 to the point where it intersects with the centerline of County Road 384, at Williamsville, and becomes County Road 116; thence in a west-southwesterly direction along the center line of County Road 116 to its point of intersection with the center line of US Route 13; thence continuing across US 13 onto the center line of County Road 311 and running along the center line of Road 311 in a westerly direction to the point where it intersects the center line of County Road 312 at Five Corners; thence in a northwesterly direction along the center line of Road 312 to its point of intersection with the center line of Del. Route 14; thence in a northeasterly direction along the center line of Del. Route 14 to the point where it intersects with the center line of County Road 59; thence in a northwesterly direction along the center line of Road 59 to its point of intersection with the center line of County Road 279; thence in a northerly direction along the center line of Road 279 to its intersection with the center line of County Road 275; thence in a northwesterly direction along the center line of County Road 275 to its intersection with the center lines of County Roads 274 and 271; thence in a northwesterly direction along the center line of County Road 274 to its point of intersection with the center line of Del. Route 12; thence in a westerly direction along the center line of Del. Route 12 to its intersection with the Delaware-Maryland State Line and the point of beginning.

Twentieth Senatorial District. - The 20th Senatorial District shall comprise: All that portion of Sussex County bounded by a line beginning at the point of intersection between the center lines of Del. Route 20 and County Road 431, known as Workman's Corner, and runs in a southerly direction along the center line of County Road 431 to its intersection with the center line of Delaware Route 24, at a point known as "Mission"; thence in a southwesterly direction following the center line of Del. Route 24 to the point where the center lines of Del. Route 24 and Del. Route 26 intersect, known as "Shaft Ox Corner"; thence in an easterly direction following the center line of Del. Route 26 to the intersection of the center lines of Route 26 and County Road 403; thence with the center line of County Road 403 in a southerly direction to the intersection of the center line of County Road 402 with a point marking the northerly boundary of the north-south line between 1990 Census Blocks 451 and 470 of Sussex County MCD/CCD 93552; thence with said boundary line in a southerly direction to a point in the center line of Del. Route 54 marking the northerly boundary of the north-south line between 1990 Census Blocks 210 and 209 of Sussex County MCD/CCD 93552; thence with said boundary line in a southerly direction to the point where said boundary line intersects with the center line of Del. Route 54; thence in a south-southwesterly direction with the center line of Del. Route 54 to the point where it intersects with the center line of County Road 418; thence in a southerly direction with the center line of County Road 418 to the point where it intersects with the

Delaware-Maryland State Boundary Line; thence in an easterly direction with said State Boundary Line to the point where it intersects with the shoreline of the Atlantic Ocean; thence in a northerly direction along said shoreline to a point north of the City of Rehoboth Beach and the community of North Shores where the east-west boundary between 1990 census blocks 680D and 680C of Sussex County MCD/CCD 91776 intersects with the Atlantic Ocean; thence with said boundary line in a westerly direction to a point where said boundary line meets the north-south boundary line between 1990 census blocks 691B and 680C of Sussex County MCD/CCD 91776; thence running in a generally northerly and then northwesterly direction with said boundary line to a point where it meets the northerly boundary line of 1990 census block 691B of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the northerly boundary line of 1990 census block 691A of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the Lewes-Rehoboth Canal; thence in a southerly direction with the center line of the canal to a point where it intersects with Holland Glade; thence meandering with the center line of Holland Glade in a generally westerly direction to the point where the center line of Holland Glade intersects with the center line of the Conrail right-of-way; thence in a southeasterly direction with center line of the right-of-way to the point where it intersects with the center line of County Road 271; thence in a southwesterly direction with the centerline of County Road 271 to the point where it intersects with the center line of Del. Route One; thence in a southeasterly direction with the centerline of Route One to the point where it intersects with the center line of County Road 273, and thence in a southwesterly line with the center line of Road 273 to the point where the center line of Road 273 crosses over the center line of White Oak Creek; thence meandering with the center line of said White Oak Creek to the point where White Oak Creek meets Rehoboth Bay; thence meandering with the shoreline of Rehoboth Bay and Love Creek in a generally northerly direction to the point where said shoreline meets the center line of Delaware Route 24; thence with the center line of Del. Route 24 across Love Creek Bridge to the opposite (southwestern) bank of Love Creek; thence with the meanderings of the shoreline of Love Creek and Rehoboth Bay in a generally southerly direction to a point known as Bookhammer Landing on the western shore of Rehoboth Bay where the shoreline meets an extension of the center line of an unnamed road connecting the Joy Beach development with County Road 279A; thence in a westerly direction with the center line of said unnamed connecting road to its intersection with the center line of County Road 279A; thence in a westerly direction with the center line of County Road 279A to the point where it intersects with the center line of County Road 279; thence in a southerly direction along the center line of County Road 279 to the point where it intersects with the center line of County Road 277; thence in a westerly direction with the center line of County Road 277 to the point where it intersects with the center line of County Road 278; thence in a southerly direction with the center line of County Road 278 to the point where it meets the northern shoreline of Burton's Prong of Herring Creek; thence with said shoreline in a northwesterly direction to the point where the headwaters of Burton's Prong pass under the center line of Del. Route 24; thence in a southerly direction with the center line of Del. Route 24 to the point where it intersects with the center line of Del. Route 5; thence in a northwesterly direction with the center line of Route 5 to the point where it intersects with the center line of County Road 47; thence in a westerly direction with the center line of County Road 47 to the point where it intersects with the center line of Delaware Route 30 at Springfield Crossroads; thence in a southerly direction with the center line of Del. Route 30 to the point where it intersects with the center line of County Road 48 at Zoar Church; thence in a westerly direction with the center line of County Road 48 to the point where it intersects with the center line of County Road 325; thence in a northwesterly direction with the center line of County Road 325 to the point where it intersects with the center line of US Route 113; thence in a southeasterly direction with the center line of US Route 113 to its intersection with the center line of Del. Route 20; thence in a westerly direction with the center line of Del. Route 20 to its intersection with County Road 431 and point of beginning.

Twenty-first Senatorial District. - The 21st Senatorial District shall comprise: All that portion of Sussex County beginning at the point where the center line of Del. Route 20 intersects with Delaware's Western Boundary with the State of Maryland at the Village of Reliance; thence in a southerly direction along the Delaware-Maryland Boundary Line to the Delaware cornerstone, known as the "Middle Point of the Transpeninsular Line", marking

the point where the Delaware-Maryland Boundary Line turns to the east; thence with said boundary line in an easterly direction to the point where the center line of County Road 418 meets the Delaware-Maryland State Line; thence in a north-northeasterly direction along the center line of Road 418 to the intersection of the center lines of Road 418 and Del. Route 54; thence along the center line of Route 54 in a northerly direction to the point where the center line of Route 54 meets the boundary line between 1990 Census Blocks 209 and 210 and thence with said boundary line in a generally northeasterly direction to the point where the boundary line between 1990 Census Blocks 209 and 210 meets a point marking the southerly boundary of the north-south line between 1990 Census Blocks 451 and 470 of Sussex County MCD/CCD 93552 at Del. Route 54; thence with said boundary in a northerly direction to a point where the boundary line intersects with the intersection of the center lines of County Roads 403 and 402; thence in a northerly direction with the center line of County Road 403 to its intersection with the center line of Del. Route 26; thence in a westerly direction along the center line of Route 26 to the point where the center lines of Route 26 and Del. Route 24 intersect, known as "Shaft Ox Corner"; thence in a northerly direction along the center line of Del. Route 24 to its intersection with the center line of County Road 431, at a point known as "Mission"; thence in a northwesterly direction along the center line of County Road 431 to its intersection with the center line of Del. Route 20 at a point known as "Workman's Corner"; thence in an easterly direction along the center line of Route 20 to its intersection with the center line of US Route 113; thence in a northwesterly direction along the center line of Route 113 to the point where it intersects with the center line of County Road 325; thence in a westerly direction along the center line of County Road 325 to the point where it intersects with the center line of County Road 469; thence in a northerly direction along the center line of County Road 469 to the point where it intersects with the center line of County Road 518; thence in a westerly direction along the center line of County Road 518 to the point where it intersects with the center line of Del. Route 9; thence in a southwesterly direction along the centerline of Del. Route 9 to the point where it intersects with the center line of County Road 518A; thence in a westerly direction along the center line of County Road 518A to the point where it intersects with the center line of County Road 446; thence in a southwesterly direction along the center line of County Road 446 to the point where it intersects with the center line of County Road 46; thence in a westerly direction along County Road 46 to a point known as "Old Furnace" where the waters of Deep Creek Branch flow under the center line of Road 46; thence meandering with the center line of Deep Creek Branch in a generally southwesterly direction and the waters of Concord Pond, into which Deep Creek Branch flows, to the point where said branch and pond flow beneath the center line of County Road 516; thence in a southerly direction with the center line of County Road 516 to the point where it intersects with the center line of Del. Route 20; thence in a westerly direction with the center line of Route 20 to the point where it intersects with the center line of US Route 13; thence in a northerly direction with the center line of US Route 13 to its intersection with the center line of County Road 544; thence in a westerly direction along the center line of County Road 544 to its point of intersection with the 1990 U.S. Census block boundary line between 1990 census blocks 318 on the west and 319 of Sussex County MCD/CCD 93404 on the east, and with said block boundary line in a southwesterly direction to the point where said line becomes the boundary line between 1990 census blocks 317 and 341 of Sussex County MCD/CCD 93404; thence with said block boundary line in a generally southwesterly direction to the point where said boundary line intersects with the boundary line between 1990 census blocks 316 on the north and 343 on the south of Sussex County MCD/CCD 93404; thence with the boundary line between blocks 316 and 343 in a generally westerly direction to the point where the said boundary line intersects with the boundary line between 1990 census blocks 315 on the northwest and 343 on the southeast of Sussex County MCD/CCD 93404; thence with said block boundary line to the point where it intersects with the center line of County Road 543; thence with the center line of Road 543 in a southerly direction to the point where the waters of Herring Run pass under the center line of Road 543; thence in a west-northwesterly direction with the center line of Herring Run to the point where it intersects with the center line of County Road 30, also known as "Atlanta Road"; thence in a southerly direction with the center line of Atlanta Road to the point where Atlanta Road intersects with the boundary line marking the city limits of the City of Seaford; thence in a generally southwesterly direction along the Seaford boundary line to its point of intersection with the center line of Delaware Route 20; thence with the center

line of Route 20 in a westerly direction to the point of beginning at the Delaware-Maryland State Line at the Village of Reliance.

Subchapter IV. Effectuation.

§841. Filing of maps.

Maps of the several representative and senatorial districts shall be prepared by the respective departments of elections of each county. The maps shall be certified as to correctness by the president and administrative director of the respective departments of elections and recorded in the offices of the recorder of deeds for the respective counties. Two true and correct copies of these maps shall also be filed, not later than January 1, 1992, in the respective county departments of elections with the State Election Commissioner, the respective state chairmen of the 2 major political parties and the State Archivist.

§842. Evidence.

When the maps referred to in this chapter are so recorded in the respective recorder of deeds' offices, they shall be prima facie evidence in all judicial proceedings as to the correctness of the boundaries shown thereon.

§843. Copies of maps.

The State Election Commissioner and the several departments of elections shall cause such additional copies of the maps to be prepared and distributed as they deem necessary to properly advise the public.

§844. Designation of roadways.

The term avenue, boulevard, drive, highway, lane, parkway, place, road, route, street, turnpike or any abbreviations thereof shall be used interchangeably so as to make the descriptions used in this chapter conform to maps currently in existence.

§845. House District Descriptions.

In the descriptions of the various House of Representatives districts, all references to a road, highway, street, drive, place, parkway, lane, avenue, boulevard, route, turnpike, river, stream, branch, gut, boundary line or other physical feature shall refer to the center line thereof unless otherwise specified."

Section 2. Severability. If any district described in this Act, or any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other districts, other provisions, or applications of the Act which can be given effect without the invalid district, provision or application, and to that end the descriptions and provisions of this Act are declared to be severable.

Approved August 29, 1991.

CHAPTER 189

FORMERLY

SENATE SUBSTITUTE NO. 1

TO

SENATE BILL NO. 79

AN ACT TO AMEND TITLE 11, DELAWARE CODE RELATING TO THE IMPOSITION OF THE DEATH PENALTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Section 4209 (c)(3), Title 11, Delaware Code by striking subsection (c)(3) in its entirety and inserting in lieu thereof the following:

"(3)(a) Upon the conclusion of the evidence and arguments the judge shall give the jury appropriate instructions and the jury shall retire to deliberate and recommend to the Court an answer to the following questions:

(i) Whether the evidence shows beyond a reasonable doubt the existence of at least one aggravating circumstance as enumerated in subsection (e) of this section; and

(ii) Whether, by a preponderence of the evidence, after weighing all relevant evidence in aggravation or mitigation which bear upon the particular circumstances or details of the commission of the offense and the character and propensities of the offender, the aggravating circumstances found to exist outweigh the mitigating circumstances found to exist.

(b) The jury shall report to the Court its final vote by the number of each affirmative and negative votes on each question."

Section 2. Amend Section 4209 (d), Title 11, Delaware Code by striking Section 4209 (d) in its entirety and inserting in lieu thereof the following:

"(d) Determination of sentence. (1) A sentence of death shall be imposed, after considering the recommendation of the jury, if a jury is impaneled, if the Court finds:

(1)(a) Beyond a reasonable doubt at least 1 statutory aggravating circumstance; and

(b) By a preponderance of the evidence, after weighing all relevant evidence in aggravation or mitigation which bears upon the particular circumstances or details of the commission of the offense and the character and propensities of the offender, that the aggravating circumstances found by the Court to exist outweigh the mitigating circumstances found by the Court to exist.

(2) Otherwise, the Court shall impose a sentence of imprisonment for the remainder of the defendant's natural life without benefit of probation or parole or any other reduction.

(3) If the Court imposes a sentence of death, it shall set forth in writing its findings upon which the sentence of death is based."

Section 3. Amend Section 4209 (e)(1) by striking the words "jury, unanimously, or judge when applicable," and inserting in lieu thereof the word "judge".

Section 4. Amend Section 4209 (g)(2) by striking the words "jury's or".

Section 5. Amend Section 4209 (g)(4) by striking subsection (b) and relettering the remaining subsections.

of the Governor and shall apply to all defendants tried or sentenced after its effective date.

Approved November 4, 1991.

FORMERLY

HOUSE BILL NO. 402
AS AMENDED BY HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE AS AMENDED BY VOLUME 68, CHAPTER 188 OF THE LAWS OF DELAWARE RELATING TO REAPPORTIONMENT OF THE STATE LEGISLATIVE DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapter 8, Title 29, Delaware Code by striking subchapter II §821 and subchapter III §831 in their entirety and substituting in lieu thereof the following:

Subchapter II. General Assembly House of Representatives Districts.

§821. Boundaries of the General Assembly House of Representatives Districts.

The boundaries of the General Assembly House of Representatives districts shall be as follows:

(1) First Representative District-The 1st Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of N. Union St. and Pennsylvania Ave, thence in a counterclockwise direction along Pennsylvania Ave, thence continuing along Pennsylvania Ave and turning left onto N Broom St, thence continuing along N Broom St and turning right onto Gilpin Ave, thence continuing along Gilpin Ave and turning left onto N Franklin St, thence continuing along N Franklin St and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning left onto N Van Buren St, thence

continuing along N Van Buren St and turning right onto Wawaset St, thence continuing along Wawaset St and turning left onto N Adams St thence continuing on N. Adams St and turning right onto S Park Dr, thence continuing along S Park Dr and turning left onto N Market St, thence continuing along N Market St and turning left onto Concord Ave, thence continuing along Concord Ave and turning right onto Tatnall St, thence continuing along Tatnall St and turning left onto W 27th St, thence continuing along W 27th St and turning right onto Washington St, thence continuing along Washington St until it turns into Washington Blvd, thence continuing along Washington Blvd and turning left onto Turkey Run, thence continuing along Turkey Run and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning Left onto N. Union St, thence continuing on N. Union Street to the place of beginning.

(2) Second Representative District- The 2nd Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of Washington St and 7th St, thence in a counterclockwise direction along 7th St and turning left onto Catawba St, thence continuing along Catawba St and turning right onto 8th St, thence continuing along 8th St and turning left onto Tatnall St, thence continuing along Tatnall St and turning right onto 9th St, thence continuing along 9th St and turning left onto Spruce St, thence continuing along Spruce St and turning right onto E 11th St, thence continuing along E 11th St extended and turning right onto perennial shoreline of the Brandywine Creek, thence continuing along perennial shoreline of the Brandywine Creek and turning right onto Penn Central Railroad, thence continuing along Penn Central Railroad and turning left onto 4th St, thence continuing on 4th St and turning right onto the Winchester Bridge, thence continuing along said bridge becoming Heald Street, thence continuing along Heald Street and turning left onto Commerce St, thence continuing along Commerce St extended and turning right onto Christina River, thence continuing along Christina River along an imaginary line to its intersection with an imaginary line formed by the boundaries of the states of Delaware and New Jersey, thence turning left on said boundary and proceeding in a northerly direction to its intersection with an imaginary line extending from the Wilmington City boundary, thence continuing along said boundary turning right at its intersection with Locust St, thence continuing along an imaginary line in a northerly and easterly

direction until its intersection with Lea Blvd at the entrance of the Colony North Apt Complex, thence continuing along Lea Blvd and turning left onto Paladin Drive, thence continuing and turning right onto the Merchants Square Shopping Center service road, thence continuing on said service road and turning left onto Edgemoor Road, thence continuing on Edgemoor Road, becoming Shipley Rd, and turning left onto Washington Blvd, turning into Washington St, and turning left onto W 27th St, thence continuing along W 27th St and turning right onto Tatnall St, thence continuing along Tatnall St and turning left onto Concord Ave, thence continuing along Concord Ave and turning right onto N Market St, thence continuing along N Market St and turning right onto S Park Dr, thence continuing along S Park Dr and turning left onto Washington St, thence continuing along Washington St to the place of beginning.

(3) Third Representative District- The 3rd Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of B&O Railroad Tracks and I 495, thence in a counterclockwise direction along I-495, and turning right onto N Dupont Hwy, thence continuing along N Dupont Hwy and turning left onto Wildel Ave, thence continuing along Wildel Ave and turning right onto E Hazeldell Ave, thence continuing along E Hazeldell Ave extended and turning left onto US Hwy 40/I 295, thence continuing along US Hwy 40/I 295 and turning left onto an imaginary line formed by the boundary of the states of Delaware and New Jersey, thence on said boundary to its intersection with an imaginary line extending from the Christina River, thence continuing along the shoreline of the Christina River and turning left onto Commerce St extended, thence continuing on Commerce and turning right onto Heald Street thence continuing along Heald to the Winchester Bridge, thence continuing over the Winchester Bridge and turning left onto 4th St, thence continuing on 4th St and turning right onto the Penn Central Railroad, thence continuing along the Penn Central Railroad and turning left onto the Brandywine Creek, thence continuing along the Brandywine Creek and turning left onto E 11th St extended, thence continuing along E 11th St and turning left onto Spruce Street, thence continuing along Spruce Street and turning right onto 9th St, thence continuing along 9th St turning left onto Tatnall St, thence continuing along Tatnall St and turning right onto 8th St, thence continuing along 8th St and turning left onto Catawba St, thence continuing along Catawba St and turning left onto 7th St, thence continuing along 7th St and turning right onto Tatnall St, thence continuing along Tatnall St and turning right onto 3rd St, thence continuing along 3rd St and turning left onto West St, thence continuing along West St and turning right onto M L King Blvd, thence continuing along M L King Blvd and turning left onto Maryland Ave, thence continuing along Maryland Ave and turning left onto Alban Dr, thence continuing along Alban Dr and turning left onto Bonwood Dr, thence continuing along Bonwood Dr and turning left onto Coleman St, thence continuing along Coleman St and turning right onto the Wilmington Municipal Boundary, thence continuing along the Wilmington Municipal Boundary extended and turning right onto Interstate 95, thence continuing on Interstate 95 and turning left then right on the B&O Railroad tracks, thence continuing on the B&O Railroad tracks to the place of beginning.

(4) Fourth Representative District-The 4th Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of Centre Road and Faulkland Road, thence continuing easterly along Faulkland Road, and turning left onto S. DuPont Road, thence continuing along S. DuPont Road and turning right onto Lancaster Avenue, thence continuing along Lancaster Ave and turning left onto Greenhill Ave, thence continuing along Greenhill Ave and turning right onto 6th Street, thence continuing along 6th Street and turning left onto the B and O Railroad, thence continuing along B and O Railroad and turning right onto 7th Street, thence continuing along 7th Street and turning right onto N. Bancroft Parkway, thence continuing along N. Bancroft Parkway and turning left onto 4th Street, thence continuing along 4th Street and turning left onto N. Scott Street, thence continuing along N. Scott Street and turning right onto 7th Street, thence continuing along 7th Street and turning left onto Washington Street, thence continuing along Washington Street and turning left onto S. Park Drive, thence continuing along S. Park Drive and turning left onto N. Adams Street, thence continuing along N. Adams Street and turning right onto Wawaset Street, thence continuing along Wawaset Street and turning left onto N. Van Buren Street, thence continuing along N. Van Buren Street and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning left onto N. Franklin Street, thence continuing along N. Franklin Street and turning right onto Gilpin Ave, thence continuing along Gilpin Ave

and turning left onto N. Broom Street, thence continuing along N. Broom Street and turning right onto Pennsylvania Ave, thence continuing along Pennsylvania Ave and turning right onto N. Union Street, thence continuing along N. Union Street and turning right onto Lovering Ave, thence continuing along Lovering Ave and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning left onto Concord Pike, thence continuing along Concord Pike and turning left onto the Augustine Cutoff, thence continuing along Augustine Cutoff to the intersection of Cantera Road and the Augustine Cut-off and turning right onto an imaginary line beginning at said intersection in a clockwise direction to the point at which Alapocas Run and Alapocas Drive intersect so as to exclude from the 4th District the Community of Alapocas and turning left on Alapocas Drive, thence continuing along Alapocas Drive and turning left onto Rt 141, thence continuing along Rt 141 to the place of beginning.

(5) Fifth Representative District-The 5th Representative District shall comprise: All that portion of the City of Wilmington and New Castle County bounded by a line beginning at the intersection of Greenhill Ave and Lancaster Ave, thence in a counterclockwise direction along Lancaster Ave and turning right onto the Wilmington City Municipal boundary, thence continuing along Wilmington Municipal boundary and turning left onto S. Union St, thence continuing along S. Union St and turning right onto Sycamore St, thence continuing along Sycamore St and turning left onto Broom St, thence continuing along Broom St and turning right onto Maple St, thence continuing along Maple St and turning right onto S. Franklin St, thence continuing along S. Franklin St and turning left onto Maryland Ave, thence continuing along Maryland Ave and turning right onto M L King Blvd, thence continuing along M L King Blvd and turning left onto West St, thence continuing along West St and turning right onto 3rd St, thence continuing along 3rd St and turning left onto Tatnall St, thence continuing along Tatnall St and turning left onto 7th St, thence continuing along 7th St and turning left onto N Scott St, thence continuing along N Scott St and turning right onto 4th St, thence continuing along 4th St and turning right onto N Bancroft Pkwy, thence continuing along N Bancroft Pkwy and turning left onto 7th St, thence continuing along 7th St and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning right onto 6th St, thence continuing along 6th St and turning left onto Greenhill Ave, thence continuing along Greenhill Ave to the place of beginning.

(6) Sixth Representative District-The 6th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Foulk Road and Concord Pike and continuing in a counter-clockwise direction along Concord Pike until its intersection and turning left onto the B&O Railroad, thence continuing along said Railroad and turning right onto Turkey Run, thence continuing along Turkey Run and turning left onto the Washington Street Extension, thence continuing along the Washington Street Extension and turning right onto Shipley Road becoming Edgemoor Road, thence continuing along Edgemoor Road and turning right onto the Merchants' Square service road so as to encompass the Merchants' Square shopping center in the Sixth District, thence continuing and turning left onto Paladin Drive, thence continuing on Paladin Drive and turning right onto the Lea Boulevard, thence continuing along Lea Boulevard until its intersection with the entrance to the Colony North Apt Complex, thence continuing on an imaginary line in a southerly and westerly direction until its intersection with the northern boundary of the City of Wilmington at Locust St, thence continuing in an easterly direction on the City boundary until its intersection with the boundary of the States of New Jersey and Delaware, thence turning left and continuing on said boundary until its intersection with Winding Lane extended, thence continuing along Winding Lane and turning left onto Philadelphia Pike, thence continuing along Philadelphia Pike and turning right onto Delaware Ave, thence continuing along Delaware Ave and turning left onto Garfield Street, thence continuing along Garfield Street and turning right onto Holly Oak Road, thence continuing along Holly Oak Road and turning right onto Silverside Road, thence continuing along Silverside Road and turning left onto the B&O Railroad, thence continuing along B&O Railroad and turning right onto Marsh Road, thence continuing along Marsh Road and turning left onto Baynard Boulevard, thence continuing along Baynard Boulevard and turning right on Shipley Road, thence continuing along Shipley Road and turning left on Wilson Road thence continuing along Wilson Road and turning left on Foulk Road, thence continuing along Foulk Road and turning left on Concord Pike, thence continuing along Concord Pike to the place of the beginning.

comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Foulk Road and Silverside Road, thence in a counter clockwise direction along Silverside Road and turning left onto Veale Road, thence continuing along Veale Road and turning right onto Willow Way extended, thence continuing along Willow Way extended and turning left onto the B and O Railroad, thence continuing along the B and O Railroad and turning right onto Darley Road, thence continuing along Darley Road turning into Myrtle Ave, thence continuing along Myrtle Ave, extended on an imaginary line extending to and turning left onto the boundary between the States of Delaware and New Jersey, thence continuing on said boundary and turning left on an imaginary line extending to the point at which the States of Delaware and Pennsylvania meet, thence continuing along the Delaware/Pennsylvania border and turning left onto Marsh Road, thence continuing along Marsh Road and turning right onto Naamans Road, thence continuing along Naamans Road and turning left onto Foulk Road, thence continuing along Foulk Road to the place of beginning.

(8) Eighth Representative District-The 8th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Marsh Road and B and O Railroad, thence in a counter clockwise direction along B and O Railroad and turning right onto Silverside Road, thence continuing along Silverside Road and turning left onto W Holly Oak Road, thence continuing along W Holly Oak Road and turning left onto Garfield Road, thence continuing along Garfield Road and turning right onto Delaware Avenue, thence continuing along Delaware Avenue and turning left onto Philadelphia Pike, thence continuing along Philadelphia Pike and turning right onto Winding Lane, thence continuing along Winding Lane, extended on an imaginary line out to the Delaware/New Jersey State boundary and turning left on said boundary to the intersection of an imaginary line extending from Myrtle Avenue and turning left on said line, thence continuing along Myrtle Ave, turning into Darley Road, thence continuing along Darley Road and turning left onto B and O Railroad, thence continuing along B and O Railroad and turning right onto Willow Way extended, thence continuing along Willow Way extended and turning left onto Veale Road, thence continuing along Veale Road and turning right onto Silverside Road, thence continuing along Silverside Road and turning left onto Marsh Road, thence continuing along Marsh Road to the place of beginning.

(9) Ninth Representative District - The 9th Representative District shall be comprised of: All that portion of New Castle County bounded by a line beginning at the intersection of the Delaware/Maryland boundary and the Chesapeake and Delaware Canal, thence continuing in a counter clockwise direction and turning left on the Kent County boundary, thence continuing on the Kent County line and turning left on the Conrail railroad tracks thence continuing on the railroad tracks and turning right on the Blackbird Creek, thence continuing on Blackbird Creek on its various courses and tributaries in an easterly direction to its last point of tangency on the Delaware shoreline, thence continuing easterly on an imaginary line until its intersection with the Delaware/New Jersey boundary, thence proceeding in a northerly direction on said boundary to its intersection and turning left on an imaginary line extending from the Delaware/New Jersey boundary through the center of Pea Patch Island to its intersection with its point of tangency with the eastern boundary of the municipal limits of Delaware City, just south of Canal Street, proceeding in a clockwise direction, along the eastern, southern, and western boundary of Delaware City, to its intersection and turning left on Dragon Run, thence continuing on Dragon Run and turning left on US Rt 13, thence continuing on US Rt 13 and turning right on the C & D Canal, thence continuing on C & D Canal to the place of beginning.

(10) Tenth Representative District-The 10th Representative District shall comprise: All that portion of New Castle County beginning at the intersection of Montchanin Road and Kirk Rd. thence continuing along Kirk Rd and turning left onto Rockland Rd. W., thence continuing along Rockland Rd. W. and turning right onto Rockland Rd., thence continuing along Rockland and turning left onto Mount Lebanon Road, thence continuing along Mount Lebanon Road and turning left onto the southbound lane of Concord Pike, thence continues and turns right onto Silverside Road, thence continuing along Silverside Road and turning left onto Foulk Road, thence continuing along Foulk Road and turning right onto Naamans Road, thence continuing along Naamans Road and turns left onto Marsh Road, thence continuing along Marsh Road and turning left on the Delaware-Pennsylvania State boundary, thence continuing along

Delaware-Pennsylvania State boundary and turning left onto the Brandywine Creek, thence continuing along Brandywine Creek and turning right onto Thompsons Bridge Road, which becomes Montchanin Road, thence continues along Montchanin Road to the place of beginning.

(11) Eleventh Representative District- The 11th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Kirk Road and Kennett Pike thence continuing in a counter-clockwise direction along Kennett Pike until its intersection with the Reading Railroad, thence turning right and continuing on the Reading Railroad until its intersection and turning left onto Route #141, thence continuing along Route #141 and turning right onto Alapocas Drive, thence continuing along Alapocas Drive to the intersection of Alapocas Drive and Alapocas Run, thence turning right onto an imaginary line in a counter clockwise direction to the point at which the Augustine Cut Off and Cantera Road intersect so as to encompass the Community of Alapocas, thence turning left onto the Augustine Cut-Off, thence continuing along Augustine Cut-off and turning left onto Concord Pike, thence continuing and turns right onto Foulk Road, thence continuing along Foulk Road and turning right onto Wilson Road, thence continuing along Wilson Road and turning right onto Shipley Road, thence continuing along Shipley Road and turning left on Baynard Blvd thence continuing and turning left onto Marsh Road, thence continuing along Marsh Road until its intersection with and turning left onto Silverside Road, thence continuing along Silverside Road until its intersection with the south bound lane of Concord Pike, thence turning left onto the Concord Pike and continuing until its intersection with and turning right onto Mount Lebanon Road, thence continuing along Mount Lebanon Road and turning right onto Rockland Road thence continuing along Rockland Road and turning left onto Rockland Road West thence continuing along Rockland Road West and turning right onto Kirk Road thence continuing along Kirk Road to the place of beginning.

(12) Twelfth Representative District-The 12th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the Delaware-Pennsylvania Border and Wilmington Road, thence continuing in a counter clockwise direction along Wilmington Road and turning right onto Loveville Road, which turns into McKennans Church Road, thence continuing along McKennans Church Road and turning left onto Mill Creek Road, thence continuing along Mill Creek Road and turning right onto Newport Gap Pike, thence continuing along Newport Gap Pike and turning right onto Faulkland Road, thence continuing along Faulkland Road and turning left onto Duncan Road, thence continuing along Duncan Road and turning left onto Newport Road, thence continuing along Newport Road and turning right onto the Red Clay Creek, thence continuing along Red Clay Creek and turning left onto Kiamensi Road, thence continuing along Kiamensi Road and turning right onto Newport Gap Pike, thence continuing along Newport Gap Pike and turning left onto State Hwy. 141, thence continuing on State Hwy 141 and turning left onto Centerville Road, thence continuing on Centerville Road and turning right onto Vermont Ave, thence continuing along Vermont Ave extended and turns right onto the Barley Mill Creek, thence continuing along the Creek between the communities of Woodland Heights and Brookland Terrace, thence continuing and turning left onto Centre Road, thence continuing along Centre Road, and turns left onto the Reading Railroad, thence continuing along Reading Railroad and turning left onto the Kennett Pike, thence continuing along Kennett Pike and turning right onto Kirk Road, thence continuing along Kirk Road and turning left onto Montchanin Road, thence continuing along Montchanin Road becoming Thompsons Bridge Road, thence continuing along Thompsons Bridge Road and turning left onto the Brandywine Creek, thence continuing along Brandywine Creek and turning left along the Delaware-Pennsylvania Border, thence continuing along Delaware-Pennsylvania Border to the place of beginning.

(13) Thirteenth Representative District - The 13th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Vermont Avenue and Centerville Road, thence continuing in a counter-clockwise direction along Centerville Road and turning right onto State Hwy. 141, thence continuing along State Hwy. 141 and turning left onto Bestfield Road, thence continuing on Bestfield Road extended and turning right onto the Newport Town boundary, thence continuing on the Newport Town boundary and turning left onto S. Maryland Avenue, thence continuing on S. Maryland Avenue and turning right onto Larch Avenue, thence continuing on Larch Avenue extended and turning left on the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left on an imaginary line

Lane and Torres Road to a point on the B & O Railroad tracks, thence continuing on said imaginary line and turning right onto Newport Pike, thence continuing on Newport Pike, which becomes Maryland Avenue, thence continuing on Maryland Avenue and turning left onto N. Dupont Road, thence continuing on N. Dupont Road and turning left onto Atlantic Avenue, thence continuing on Atlantic Avenue and turning right onto Howard Street, thence continuing on Howard Street and turning left onto Richardson Lane, thence continuing on Richardson Lane extended to its intersection with and turning left on the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning right onto an imaginary line extending from Locust Avenue, thence continuing on Locust Avenue and turning right onto Kirkwood Highway, thence continuing on Kirkwood Highway, which becomes S. Union Street, thence continuing on S. Union Street and turning left onto the City of Wilmington municipal boundary, thence continuing on the Wilmington municipal boundary in a counterclockwise direction, on said boundary extended to the center of Lancaster Ave and turning left onto Lancaster Avenue, thence continuing on Lancaster Avenue and turning left onto S. Dupont Road, thence continuing on S. Dupont Road and turning right onto Faulkland Road, thence continuing on Faulkland Road and turning left onto Centre Road, thence continuing on Centre Road and turning right onto Barley Mill Creek, thence continuing on Barley Mill Creek, separating the communities of Woodland Heights and Brookland Terrace, and continuing to its intersection with and turning left onto Vermont Avenue extended, thence continuing on Vermont Avenue to the place of beginning.

(14) Fourteenth Representative District - The 14th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Paper Mill Road (Rt. 72) and Possum Park Road, thence continuing in a counter-clockwise direction on Paper Mill Road, onto N. Chapel Street, thence continuing on N. Chapel Street and turning left onto E. Main Street, thence continuing on E. Main Street, becoming Ogletown Road, thence continuing on Ogletown Road which becomes St. Hwy. 273, thence continuing on St. Hwy. 273 and turning left onto S. Harmony Road, thence continuing on S. Harmony Road, which becomes Harmony Road, thence continuing on Harmony Road and turning right onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto the White Clay Creek, thence continuing on the White Clay Creek and turning right onto Harmony Road, thence continuing on Harmony Road and turning left onto Capitol Trail/Kirkwood Hwy., thence continuing on Kirkwood Hwy. and turning right onto Ebenezer Church Road, thence continuing on Ebenezer Church Road and turning left onto Foxden Rd. thence continuing on Foxden Rd. and turning left onto Paper Mill Road (Route 72), thence continuing on Paper Mill Road to the place of beginning.

(15) Fifteenth Representative District - The 15th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Church Road and an imaginary line between Church Road and Rt. 7 thence continuing on said imaginary line which shall extend from said intersection on Church road in an easterly direction in line with the primary electric line towers that intersect the Bear-Corbit Road (Del. Rt. #7) between house numbers 1462 and 1530 Bear-Corbit Road (Del. Rt. #7) thence in a counter-clockwise direction on Church Road and turning right onto State Hwy 7, thence continuing on State Hwy. 7 and turning left onto U.S. Hwy. 13, thence continuing on U.S. Hwy. 13 and turning left onto the Interstate 295 ramp, and continuing in a counter-clockwise direction on I-295 and turning right onto Basin Road, thence continuing on Basin Road and turning left onto the municipal boundary of the Town of Newport, thence continuing on the municipal boundary of the Town of Newport and turning left onto the Christina River, thence continuing on the Christina River through its various courses, crossing Churchman's Road, and turning left onto an imaginary line extending from E. Edinburgh Drive, thence continuing on E. Edinburgh Drive and turning left onto Freeport Road, thence continuing on Freeport Road and turning right onto Doncaster Road, thence continuing on Doncaster Road and turning left onto E. Edinburgh Drive, thence continuing on E. Edinburgh Drive and turning right onto Christiana Road, thence continuing on Christiana Road and turning left onto Appleby Road, thence continuing on Appleby Road and turning right onto US Hwy. 40, thence continuing on US Hwy. 40 and turning left onto St. Hwy. 7, thence continuing on State Hwy. 7 to its intersection with an imaginary line extending between house numbers 1462 and 1530 Bear-Corbit Road (del. Rt. 7) in line with the existing primary electric line towers to its intersection with Church Road, the place of the beginning.

shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the Christina River and Basin Road, thence continuing on Basin Road and turning left onto I-295, thence continuing on I-295 and turning right onto U.S. Rt. 13, thence continuing on U.S. Rt. 13 and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto Shadwell Court extended, thence continuing on Shadwell Court and turning right onto N. Independence Blvd., thence continuing on N. Independence Blvd. and turning left onto Constitution Blvd., thence continuing on Constitution Blvd. and turning right onto Moores Avenue, thence continuing on Moores Avenue and turning left onto the western boundary of the City of New Castle, thence continuing on the boundary of the City of New Castle to its intersection with and turning left onto St. Rt. 9, thence continuing on St. Rt. 9 to the intersection of the northern most boundary of the City of New Castle, thence following the City of New Castle boundary to its intersection with the centerline of the boundary of the states of Delaware and New Jersey, thence northerly along said boundary to its intersection with and turning left onto, I-295, thence continuing on I-295 and turning right onto E. Hazeldell Avenue extended, thence continuing on E. Hazeldell Avenue and turning left onto Wildel Avenue, thence continuing on Wildel Avenue extended and turning right onto U.S. Rt. 13, thence continuing on U.S. Rt. 13 and turning left onto I-495, thence continuing on I-495 and turning right onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left on said R.R. tracks and continuing to their intersection with the center of I-95, thence continuing on the center of I-95 and turning left onto the Wilmington municipal boundary extended, thence continuing on the Wilmington municipal boundary and turning left onto Coleman Street, thence continuing on Coleman Street and turning right onto Bonwood Drive, thence continuing on Bonwood Drive and turning right onto Alban Drive, thence continuing on Alban Drive and turning right onto Maryland Avenue, thence continuing on Maryland Avenue and turning left onto S. Franklin Street, thence continuing on S. Franklin Street and turning left onto Maple St, thence continuing on Maple St and turning left onto Broom St, thence continuing on Broom St and turning right onto Sycamore St, thence continuing on Sycamore St and turning left onto S. Union Street, thence continuing on S. Union Street, which becomes Kirkwood Highway, thence continuing on Kirkwood Hwy. and turning left onto Locust Avenue, thence continuing on Locust Avenue, extended, and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning right onto Richardson Lane extended, thence continuing on Richardson Lane and turning right onto Howard Street, thence continuing on Howard Street and turning left onto Atlantic Road, thence continuing on Atlantic Road and turning right onto N. Dupont Road, thence continuing on N. Dupont Road and turning right onto Maryland Avenue, thence continuing on Maryland Avenue and turning left onto an imaginary line, which extends from the intersection of Troy Avenue and Maryland Avenue and proceeds between Park Lane and Follies Pond, to a point on the B & O Railroad tracks, thence turning right on the B & O Railroad tracks and proceeding to its intersection with and turning left onto the Newport town limit extended, thence continuing along the town limits until its intersection with and turning right onto the Christina River, thence continuing along the Christina until the place of the beginning.

(17) Seventeenth Representative District - The 17th Representative District

shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the extension of the center of the northern boundary of the Town of New Castle and the boundary between the states of New Jersey and Delaware, thence in a southerly direction along the center of the boundary between the states of New Jersey and Delaware to its intersection with the extension of an imaginary line passing through the center of Pea Patch Island and extending from the eastern boundary of Delaware City just South of Canal Street, thence in a clockwise direction along the eastern, southern and western boundary of Delaware City to its intersection with the middle of Dragon Run, thence northerly and westerly along the middle of Dragon Run and its various courses to its intersection with the middle of Route 13, thence following Route 13 north to its intersection with the B & O Railroad immediately south of I-295, thence turning right and continuing along the B&O Railroad tracks until its intersection and turning left onto Shadwell Court extended, thence continuing along Shadwell Court and turning right onto N. Independence Boulevard, thence continuing and turning left onto Constitution Boulevard, thence continuing and turning right onto Moores Avenue, thence continuing and turning left onto the western boundary of the Town of New

northern most boundary of the Town of New Castle, thence continuing along said boundary to the place of beginning.

(18) Eighteenth Representative District - The 18th District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the B & O Railroad and Harmony Road, thence continuing in a southerly direction on Harmony Road, continuing on S. Harmony Road and turning left onto State Hwy. 273, thence continuing on State Hwy. 273 and turning right onto Chapman Road, thence continuing on Chapman Road and turning left onto Christina Creek branch, thence continuing along the Christina Creek branch and turning left onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning right onto Smalleys Dam Road, thence continuing on Smalleys Dam Road extended and turning right onto Route 7, thence continuing on Route 7 and turning left onto US Hwy. 40, thence continuing on US Hwy 40 and turning left onto Appleby Road, thence continuing on Appleby Road and turning right onto St. Hwy. 273, thence continuing on St. Hwy. 273 and turning left onto E. Edinburgh Drive, thence continuing on E. Edinburgh Drive and turning right onto Doncaster Road, thence continuing on Doncaster Road and turning left onto Freeport Road, thence continuing on Freeport Road and turning right onto E. Edinburgh Drive, thence continuing on E. Edinburgh Drive extended and continuing on an imaginary line separating the Communities of Oak Run and Coventry, thence continuing and turning right onto the Christina River, thence continuing along the Christina River and turning left on the municipal limits of the Town of Newport, thence continuing on the municipal boundary of the Town of Newport and turning left on the B & O Railroad, thence continuing on the B & O Railroad and turning right onto the entrance to Delaware Park, thence continuing on the Delaware Park entrance and turning left onto the White Clay Creek, thence continuing on the White Clay Creek and turning left onto the B & O Railroad, thence continuing on the B & O Railroad tracks to the place of beginning.

(19) Nineteenth Representative District - The 19th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the B & O Railroad tracks and the White Clay Creek, thence in a counterclockwise direction along the White Clay Creek to its intersection with the Delaware Park entrance, thence continuing on the Delaware Park entrance and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning right onto the municipal limits of the Town of Newport, thence continuing on the Town Limits of Newport to its intersection with and turning left on the Christina River, thence continuing on said river and turning left on the Newport Town Limit, thence continuing on the Newport Town Limits and turning right on the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto Larch Avenue extended, thence continuing on Larch Avenue and turning left onto the Newport town limits, thence continuing on the town limits extended, and turning left onto Bestfield Road, thence continuing on Bestfield Road and turning right onto St. Hwy 141, thence continuing on St. Hwy. 141 and turning left onto Kiamensi Road, thence continuing on Kiamensi Road and turning right onto Red Clay Creek, thence continuing on the Red Clay Creek and turning left onto Duncan Road, thence continuing on Duncan Road and turning right onto Faulkland Road, thence continuing on Faulkland Road and turning left onto Newport Gap Pike, thence continuing on Newport Gap Pike and turning left onto Mill Creek Road, thence continuing on Mill Creek Road and turning left onto McKennans Church Road, thence continuing on McKennans Church Road to the intersection of McKennans Church Road and Duncan Road, proceeding on an imaginary line extending from said intersection (through Delcastle Recreation Center,) to a point on Milltown Road, where the Calf Run Creek intersects with Milltown Road, thence turning left onto Milltown Road and proceeding to its intersection with and turning right onto Owen Drive, thence continuing on Owen Drive and turning left onto Hammond Place, thence continuing on Hammond Place and turning right onto Calf Run Creek, thence continuing on Calf Run Creek as it crosses the Kirkwood Highway and turning right onto the B&O Railroad, thence continuing along said railroad and turning right onto Limestone Road, thence continuing along Limestone Road and turning left onto Kirkwood Highway, thence continuing along Kirkwood Highway and turning left onto St. James Church Road, thence continuing along St. James Church Road and turning right onto Old Capitol Trail, thence continuing on Old Capitol Trail and turning left onto Delaware Park Road, thence continuing on Delaware Park Road extended and turning right on the B & O Railroad, thence continuing on the B & O Railroad tracks to the place of beginning.

(20) Twentieth Representative District- The 20th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the boundary between the States of Delaware and Pennsylvania and Southwood Road, thence continuing on Southwood Road, and turning right onto Mill Creek Branch, thence in an easterly direction along the center line of Mill Creek Branch to a point east of Isabella Court and west of Loblolly Court, thence turning right and continuing in a southeasterly direction along an imaginary line to a point west of Slashpine Circle, thence in an easterly and southerly direction along an imaginary line to the intersection of Valley Road and Mill Creek Branch, thence in an southerly direction from the intersection of Valley Road and Mill Creek Branch along an imaginary line to a point on the southerly, unnamed branch of Mill Creek just west of Peoples Way, thence continuing along an imaginary line in a southeasterly direction south and west of Peoples Way to its intersection with Brackenville Road, thence turns right and continues on Brackenville Road and turns left on Limestone Road, thence continues and turns left onto Stoney Batter Road at the intersection of Stoney Batter Road and Skyline Drive, thence continues and turns right onto the first crossing of the Mill Creek Branch, thence continues and turns right onto Mill Creek, thence continues and turns left onto Limestone Road, thence continues along Limestone Road across the Kirkwood Highway and turns left onto the B&O Railroad, thence continues along said railroad and turns left onto Calf Run, thence continues along Calf Run across the Kirkwood Highway and turns left onto Hammond Place, thence continues and turns right onto Owen Drive thence continues and turns left onto Milltown Road, thence continues and turns right onto Calf Run Creek, thence continues along an imaginary line extending through Delcastle Recreation Center to the center point of the intersection of Duncan Road and McKennan's Church Road, thence continues and turns right onto McKennan's Church Road, becoming Loveville Road, thence continues and turns left onto Old Wilmington Road, thence continues and turns left at the Boundary of Pennsylvania and Delaware, thence continues to the place of the beginning.

(21) Twenty-first Representative District - The 21st Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Foxden Road and Ebenezer Church Road, thence continuing in a clockwise direction on Ebenezer Church Road and turning left onto Kirkwood Hwy., thence continuing on Kirkwood Hwy. and turning right onto Harmony Road, thence continuing on Harmony Road and turning left onto White Clay Creek, thence continuing on White Clay Creek and turning left onto the B & O Railroad tracks, thence continuing on the B & O Railroad tracks and turning left onto Delaware Park Road extended, thence continuing along Delaware Park Road and turning right onto Old Capitol Trail, thence continuing on Old Capitol Trail and turning left onto St. James Church Road, thence continuing on St. James Church Road and turning right onto Kirwood Highway, thence continuing onto Kirkwood Highway and turning left onto Limestone Road, thence continuing along Limestone Road and turning right onto Mill Creek, thence continuing on Mill Creek and turning left onto Mill Creek Branch, thence continuing on Mill Creek Branch and turning left onto Stoney Batter Road, thence continuing on Stoney Batter Road and turning left onto Limestone Road, thence continuing on Limestone Road and turning right onto New Linden Hill Road, thence continuing on New Linden Hill Road and turning right onto Upper Pike Creek Road, thence continuing on Upper Pike Creek Road and turning left onto a natural drainage depression, thence continuing along said depression which runs between Drummond Farms and the Bluffs and terminates south of 16 Arlington Road and North of 396 Ebenezer Church Road at Ebenezer Church Road, thence turning left on Ebenezer Church Road, thence continuing on Ebenezer Church Road to the place of beginning.

(22) Twenty-second Representative District-The 22nd Representative District shall comprise: All that portion of New Castle County bounded by the intersection of the States of Delaware and Maryland and the Christina Creek, thence continuing on the Creek in a clockwise direction to its intersection with and turning left on the northern political boundary of the City of Newark, thence continuing along said boundary and turning right onto New London Road (Route 896), thence continuing along New London Road (Route 896) and turning left onto the northern political boundary of Newark, thence continuing along the political boundary of Newark outside the subdivision of Fairfield Crest, thence continuing along the northern boundary of Newark and turning left onto New London Road, thence continuing along New London Road and turning left onto Ray Street, thence continuing along Ray Street and turning left onto North College Ave, thence continuing along North College Ave and

right onto White Clay Creek, thence continuing along White Clay Creek and turning left onto Paper Mill Road, thence continuing along Paper Mill Road and turning right onto Foxden Road, thence continuing along Foxden Road and turning left onto Ebenezer Church Road, thence continuing along Ebenezer Church Road and turning right onto the natural drainage depression which begins south of 16 Arlington Road and north of 396 Ebenezer Church Road, thence continuing along said depression until its intersection with Upper Pike Creek Road, thence turning right and continuing along Upper Pike Creek Road until its intersection with New Linden Hill Road, thence turning left onto New Linden Hill Road, thence continuing and turning left onto Limestone Road (Route 7), thence continuing along Limestone Road (Route 7) and turning right onto Brackenville Road, thence continuing along Brackenville Road and turning left to a point just west of Peoples Way, thence turning left and preceding in a northwesterly direction along an imaginary line to its intersection with the southerly, unnamed branch of Mill Creek, thence from the intersection with the said branch in a northerly direction to the intersection of Valley Road and Mill Creek, thence in a northwesterly direction along an imaginary line to a point west of Slashpine Circle, thence continuing along said imaginary line in a northerly direction east of Isabella Court and west of Loblolly Court to its intersection with Mill Creek, thence in a westerly direction along the center line of Mill Creek to its intersection with Southwood Road, thence continuing and turning left onto Southwood Road, thence continuing and turning left onto the Delaware-Pennsylvania line, thence continuing along the Delaware, Pennsylvania and Maryland boundaries until the place of the beginning.

(23) Twenty-third Representative District-The 23rd Representative shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the Delaware-Maryland line and Interstate -95, thence continuing along Interstate-95 in a counter clockwise direction and turning left onto Otts Chapel Road, which becomes Sandy Brae Road, thence continuing along Sandy Brae Road and turning right onto Persimmon Run Creek, thence continuing along its various courses and branches and turning left onto the Christina Creek, thence continuing along Christiana Creek and turning right onto the Conrail Railroad, thence continuing along the Conrail Railroad and turning left onto South College Ave, thence continuing along South College Ave and turning left onto W. Park Place, thence continuing along W. Park Place and turning right onto Elkton Road, thence continuing along Elkton Road and turning right onto West Main Street, becoming E. Main St, thence continuing along E. Main and turning left onto N. Chapel St., becoming Paper Mill Road, thence continuing along Paper Mill Road and turning left onto White Clay Creek, thence continuing along White Clay Creek and turning left onto North College, thence continuing along North College and turning right onto Ray St, thence continuing along Ray St and turning right onto New London Rd., thence continuing along New London Rd and turning right at the Newark city limit, thence continuing along the Town limit in a counterclockwise direction, so as to include the neighborhood of Fairfield Crest, thence turning right onto New London Road, thence continuing along New London Road and turning left onto the Newark town limit, thence continuing along Newark town limit in a counter-clockwise direction to its intersection with and turning right onto the Christina Creek thence continuing along the Christina Creek and turning left on the Delaware/Maryland border, thence continuing along the Delaware/Maryland border to the place of beginning.

(24) Twenty-fourth Representative District-The 24th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of State Highway 896 and Route 40, thence turning in a counter clockwise direction and continuing along Route 40 and turning left onto Salem Church Road, thence continuing along Salem Church Road and turning right onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning left onto Salem Church Road, thence continuing on Salem Church Rd and turning left onto Ogletown Rd (Rt 273), thence continuing along Ogletown Road (Route 273) and turning left onto Marrow's Road, thence continuing along Marrow's Road and turning left onto Old Newark Road, thence continuing along Old Newark Road as it turns right and intersects with E Chestnut Hill Road, turning right onto E Chestnut Hill Road, thence continuing along E. Chestnut Hill Road and turning left onto Chapel Street, thence continuing along Chapel Street and turning right onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning left onto Cooch's Bridge Road, thence continuing along Cooch's Bridge Road and turning left onto Rt 896, thence continuing along Rt 896 to the place of beginning.

District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of I-95 and the Delaware/Maryland boundary, thence continuing on the Delaware/Maryland boundary and turning left onto Old Baltimore Pike, thence continuing on Old Baltimore Pike and turning right onto S. College Avenue (Rt. 896), thence continuing on S. College Avenue (Rt. 896) and turning left onto Cooch's Bridge Road, thence continuing on Cooch's Bridge Road and turning right onto Old Baltimore Pike, thence continuing along Old Baltimore Pike and turning left onto Chapel Street, thence continuing on Chapel Street and turning right onto E. Chestnut Hill Road, thence continuing along E. Chestnut Hill Road and turning left onto Old Newark Road, thence continuing on Old Newark Road and turning right onto Marrows Road, thence continuing on Marrows Road and turning left onto Ogletown Road, which becomes E. Main Street, thence continuing on E. Main Street becoming W. Main Street, thence continuing on W. Main Street and turning left onto Elkton Road, thence continuing on Elkton Road and turning left onto W. Park Place, thence continuing on W. Park Place and turning right onto S. College Avenue, thence continuing on S. College Avenue and turning right onto the Conrail Railroad tracks, thence continuing on the Conrail Railroad tracks and turning left onto the Christina Creek, thence continuing on the Christina Creek and turning right onto the Persimmon Run Creek, thence continuing on the Persimmon Run Creek and turning left onto Sandy Brae Road, thence continuing on Sandy Brae Road and turning right onto I-95, thence continuing on I-95 to the place of beginning.

(26) Twenty-sixth Representative District - The 26th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Salem Church Road and Old Baltimore Pike, thence continuing on Salem Church Road and turning left onto US Hwy. 40, thence continuing on US Hwy. 40 and turning left onto St. Route 7, thence continuing on St. Route 7 and turning left onto Smalleys Dam Road Extended, thence continuing on Smalleys Dam Road and turning left onto Old Baltimore Pike, thence continuing on Old Baltimore Pike and turning right onto Christina Creek branch, thence continuing on the Christina Creek branch and turning right onto Chapman Road, thence continuing on Chapman Road and turning left onto St. Hwy. 273, thence continuing on St. Hwy. 273 and turning left onto Ogletown Road, thence continuing on Ogletown Road and turning left onto Salem Church Road, thence continuing on Salem Church Road and turning right onto Old Baltimore Pike, thence continuing on Old Baltimore Pike to the place of beginning.

(27) Twenty-seventh Representative District-The 27th Representative District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of Old Baltimore Pike and the Delaware/Maryland State boundary line, thence in a counter-clockwise, southerly direction along the Delaware/Maryland State boundary line and turning left onto the C & D Canal, thence continuing along the C & D Canal and turning left onto U.S. Highway 13, thence continuing along U.S. Highway 13 and turning left onto Rt. 7, thence continuing along Rt 7 and turning left onto Church Road (County Road 382), thence continuing along Church Road (County Road 382) until its intersection with and turning right on an imaginary line extending from Church Road (County Road 382) and proceeding in line with the primary electric line towers that intersect Bear-Corbit Rd. (Del. Rt. #7) between house numbers 1462 and 1530 located on Bear-Corbit Rd. (Del. Rt. #7), thence at the intersection of said imaginary line and Bear-Corbit Road (Del. Rt. #7), turning left onto Rt. #7, thence continuing along Rt 7 and turning left onto Rt 40, thence continuing along Rt 40 and turning right onto Rt 896, thence continuing along Rt 896 and turning left onto Old Baltimore Pike, thence continuing along Old Baltimore Pike to the place of beginning.

(28) Twenty-eight Representative District - The 28th Representative District shall comprise: All that portion of New Castle and Kent Counties bounded by a line beginning at the intersection of Blackbird Creek and the Conrail Railroad tracks, thence continuing in a counterclockwise direction along the Conrail Railroad tracks and turning left onto the Kent County line, thence continuing along the Kent County line and turning right onto the town limits of Clayton, thence continuing along the Clayton town boundary and turning left onto County Road 38, thence continuing along County Road 38 and turning right onto County Road 453, thence continuing along County Road 453 and turning left onto Rt 6, thence continuing along Rt 6 and turning right onto County Road 40, thence continuing along County Road 40 and turning left onto County Road 41, thence continuing along County Road 41 and turning right

Road 90 and turning right onto County Road 145, thence continuing along County Road 145 and turning left onto County Road 42, thence continuing along County Road 42 and turning right onto US Hwy 13, thence continuing along US Hwy 13 and turning left onto the unnamed southern tributary to Dyke Branch, thence continuing along the unnamed southern tributary to Dyke Branch and turning right onto County Road 330, thence continuing along County Road 330 and turning left onto County Road 331, thence continuing along County Road 331 and turning right onto County Road 332, thence continuing along County Road 332 and turning right onto County Road 88, thence continuing along County Road 88 and turning left onto County Road 337, thence continuing along County Road 337 to its intersection with a tributary of the Little River, thence continuing in a southerly direction along the tributary of the Little River and turning right onto an imaginary line extended from Bacon Drive to the tributary of the Little River, thence continuing along the imaginary line extended from Bacon Drive to the tributary of the Little River and continuing along Bacon Drive and turning left onto Nimitz Drive, thence continuing along Nimitz Drive and turning left onto White Oak Road, thence continuing along White Oak Road and turning right onto Acorn Lane thence continuing along Acorn Lane and turning left onto Rt 8, thence continuing along Rt 8 and turning right onto County Road 344, thence continuing along County Road 344 and turning left onto South Little Creek Road, thence continuing along South Little Creek Road and turning right onto Rt 9, thence continuing along Rt 9 and turning left onto County Road 349, thence continuing along County Road 349 and turning left onto an imaginary line extending from County Road 349 to the western most point of Old Marina Canal, thence continuing said imaginary line and turning right onto Old Marina Canal, thence continuing along Old Marina Canal to its intersection with the Delaware Bay, thence continuing along an imaginary line extending from old Marina Canal to the New Jersey and Delaware State boundary and turning left onto the New Jersey and Delaware State boundary, thence continuing along the New Jersey and Delaware State boundary and turning left onto an imaginary line extended from the said state boundary to the intersection of Blackbird Creek and the Delaware Bay, thence continuing along said imaginary line to Blackbird Creek, thence continuing along Blackbird Creek to the place of beginning.

(29) Twenty-Ninth Representative District - The 29th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of the Delaware/Maryland State boundary and the New Castle County/Kent County boundary line, thence continuing in a clockwise direction along the New Castle County/Kent County boundary line and turning right onto the Clayton town limits, thence continuing along the Clayton town limit and turning left onto County Road 38, thence continuing along County Road 38 and turning right onto County Road 453, thence continuing along County Road 453 and turning left onto Route 6, thence continuing along Route 6 and turning right onto County Road 40, thence continuing along County Road 40 and turning left onto County Road 41, thence continuing along County Road 41 and turning right onto the Conrail Railroad tracks, thence continuing along the Conrail Railroad Tracks in a counterclockwise direction and turning left onto County Road 90, thence continuing along County Road 90 and turning right onto County Road 145, thence continuing along County Road 145 and turning left on County Road 42, thence continuing along County Road 42 and turning right onto U. S. Highway 13, thence continuing along U. S. Highway 13 and turning right onto County Road 100 (Denney's Road), thence continuing along County Road 100 (Denney's Road) and turning left onto County Road 104, thence continuing along County Road 104 and turning right onto County Road 158, thence continuing along County Road 158 and turning left onto the City of Dover boundary, thence continuing along the City of Dover boundary in a southerly direction and turning left onto Route 8, thence continuing along Route 8 and turning right onto (Mifflin Road) County Road 196, thence continuing along (Mifflin Road) County Road 196 and turning right onto County Road 73, thence continuing along County Road 73 and turning left onto County Road 195 (Wyoming Mill Road), thence continuing along County Road 195 (Wyoming Mill Road) and turning right onto Isaac Branch and Wyoming Lake, thence continuing along Isaac Branch and turning right onto County Road 204, thence continuing along County Road 204 and turning left onto County Road 73, thence continuing along County Road 73 and turning right onto County Road 206, thence continuing along County Road 206 and turning right onto the Maryland/Delaware State boundary, thence continuing along the Maryland/Delaware State boundary to the place of beginning.

shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 206 and the Delaware/Maryland state boundary line thence southerly in a counterclockwise direction along the Delaware/Maryland state boundary line and turning left onto Rt 14, thence continuing along Rt 14 and turning right onto (Prospect Church Road) County Road 114, thence continuing along (Prospect Church Road) and turning left onto (Hammondtown Road) County Road 311, thence continuing along (Hammondtown Road) County Road 311 to County Road 116, thence continuing along County Road 116 and turning left onto County Road 429, thence continuing along County Road 429 and turning right onto Beaver Dam Branch, thence continuing along Beaver Dam Branch and turning left onto County Road 384 (Killens Pond Road), thence continuing along County Road 384 (Killens Pond Rd) and turning right onto (Bloomfield Road) County Road 396, thence continuing along (Bloomfield Road) County Road 396 and turning left onto County Road 397, thence continuing along County Road 397 and turning right onto County Road 398, thence continuing along County Road 398 and turning left onto an imaginary line on the east side and running parallel with County Road 394 so as to include all the residences along said road in the 30th district, thence continuing along said imaginary line and turning left onto Rt. 15, thence continuing along Rt 15 and turning right onto Rt 35, thence continuing along Rt 35 and turning left onto Rt 12, thence continuing along Rt 12 and turning right onto Rt 15, thence continuing along Rt 15 and turning left onto County Road 371, thence continuing along County Road 371 and turning right onto U. S. Highway 13, thence continuing along U. S. Highway 13 and turning left onto U. S. Highway 13A, thence continuing along U. S. Highway 13A and turning left onto the Town boundary of Woodside, thence continuing along the town boundary of Woodside in a clockwise direction until its intersection with County Road 232, thence continuing along County Road 232 and turning left onto Rt 52, thence continuing along Rt 52 and turning right onto Allabands Mill Stream, thence continuing along Allabands Mill Stream and turning right onto Isaac Branch, thence continuing along Isaac Branch and turning left onto County Road 204, thence continuing along County Road 204 and turning left onto County Road 73 (Hazlettville Rd), thence continuing along County Road 73, and turning right onto County Road 206, thence continuing along County Road 206 and turning right onto Maryland/Delaware State boundary, thence continuing along the Maryland/Delaware boundary to the place of beginning.

(31) Thirty-first Representative District - The 31st Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 100 and County Road 104, thence continuing in a counterclockwise direction along County Road 104 and turning right onto County Road 158, thence continuing along County Road 158 to its intersection with the Dover City boundary line and turning left onto the Dover City boundary line, thence continuing along the Dover City boundary line and turning left onto Rt 8, thence continuing along Rt 8 and turning right onto County Road 196 (Mifflin Road), thence continuing along County Road 196 (Mifflin Road) and turning left onto County Road 73, thence continuing along County Road 73 and turning right onto Conrail Railroad Tracks, thence continuing along Conrail Railroad Tracks and turning left onto an imaginary line extended from the intersection of Waples Ave and New Burton Road, thence continuing along the imaginary line extended from the intersection of Waples Ave and New Burton Road and continuing along Waples Ave and turning left onto South Governor's Ave, thence continuing along South Governor's Ave and turning right onto Water Street, thence continuing along Water Street and turning left onto South State Street, thence continuing along South State Street and turning right onto Loockerman Street, thence continuing along Loockerman Street and turning right onto the St. Jones River, thence continuing along the St. Jones River and turning left onto Court Street thence continuing along Court Street and turning left onto U S Hwy 113, thence continuing in a northerly direction along U S Hwy 113 and U S Hwy 13 and turning right onto Jefferic Boulevard, thence continuing along Jefferic Boulevard and turning right onto Buckson Dr, thence continuing along Buckson Dr and turning left onto Bacon Dr, thence continuing along Bacon Dr and continuing along an imaginary line from Bacon Dr to a tributary of Little River which is the boundary line between enumeration District 307 and 304B as shown on the 1991 Census Map of Kent County, thence continuing along the boundary line between Enumeration District 307 and 304B and turning left onto County Road 337, thence continuing along County Road 337 and turning right onto County Road 88, thence continuing along County Road 88 and turning left onto County Road 332, thence continuing along County Road 332 and turning left onto County Road 331, thence continuing along County Road 331 and turning right onto County Road

southern tributary of Dyke Branch, thence continuing along the southern tributary of Dyke Branch and turning right onto County Road 154, thence continuing along County Road 154 and turning left onto U S Hwy 13, thence continuing along U S Hwy 13 and turning right onto County Road 100, thence continuing along County Road 100 to the place of beginning.

(32) Thirty-second Representative District - The 32nd Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 73 and County Road 195 (Wyoming Mill Road), thence continuing in a counterclockwise direction along County Road 195 (Wyoming Mill Road) and turning left onto Isaac Branch, thence continuing along Isaac Branch and continuing along Moore's Lake and turning right onto U S Hwy 113A, thence continuing along U S Hwy 113A and turning left onto Rt 10, thence continuing along Rt 10 and turning right onto U S Hwy 113, thence continuing along U S Hwy 113 and turning left onto Rt 9, thence continuing along Route 9 and turning left onto (South Little Creek Road) County Road 67, thence continuing along (South Little Creek Road) County Road 67 and turning right onto County Road 344, thence continuing along County Road 344 and turning left onto Rt 8, thence continuing along Rt 8 and turning right onto (Acorn Lane) County Road 342, thence continuing along (Acorn Lane) County Road 342 and turning left onto (White Oak Road) County Road 66, thence continuing along (White Oak Road) County Road 66 and turning right onto Nimitz Drive, thence continuing along Nimitz Drive and turning left onto Bacon Ave, thence continuing along Bacon Ave and turning right onto Buckson Dr., thence continuing along Buckson Dr and turning left onto Jefferic Boulevard, thence continuing along Jefferic Boulevard and turning left onto U S Hwy 13, thence continuing along U S Hwy 13 and continuing southerly along U S Hwy 113 and turning right onto Court Street, thence continuing along Court Street and turning right onto the St. Jones River, thence continuing along the St. Jones River and turning left onto Loockerman Street, thence continuing along Loockerman Street and turning left onto South State Street, thence continuing along South State Street and turning right onto Water Street, thence continuing along Water Street and turning left onto South Governor's Ave., thence continuing along South Governor's Ave and turning right onto Waples Ave, thence continuing along Waples Ave and continuing along an imaginary line extended from the intersection of Waples Ave and New Burton Road to the Conrail Railroad tracks and turning right onto the Conrail Railroad tracks, thence continuing along the Conrail Railroad tracks and turning left onto County Road 73, thence continuing along County Road 73 to the place of beginning.

(33) Thirty-third Representative District - The 33rd Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 349 and Route 9, thence continuing in a clockwise direction and turning left onto an imaginary line extended from County Road 349 to the western most point of the Old Marina Canal, thence continuing along the imaginary line extended from County Road 349 to the western most part of the Old Marina Canal and turning right onto the Old Marina Canal, thence continuing along the Old Marina Canal to an imaginary line extended from the intersection of the Old Marina Canal and the Delaware Bay to the New Jersey and Delaware State boundary, thence continuing along the imaginary line extended from the Old Marina Canal to the New Jersey and Delaware State boundary and turning right onto the New Jersey and Delaware State boundary, thence continuing along the New Jersey and Delaware State boundary to its intersection with an imaginary line extended from the intersection of the Kent County and Sussex County boundary line and the Delaware Bay, thence continuing along the imaginary line extended the New Jersey and Delaware State boundary to the Kent County and Sussex County boundary line, thence continuing along the Kent County and Sussex County boundary line and turning right onto the northern shoreline of Blairs Pond, thence continuing along the Northern Shore line of Blairs Pond in a westerly direction and turning left onto County Road 443, thence continuing along County Road 443, and turning right onto County Road 444, thence continuing along County Road 444 and turning left onto Route 14, thence continuing along Rout 14 and turning right onto County Road 384, thence continuing along County Road 384 and turning right onto (Bloomfield Road) County Road 396, thence continuing along (Bloomfield Road) County Road 396 and turning left onto (Cloverfield Rd) County Road 397, thence continuing along (Cloverfield Rd) County Road 397 and turning right onto (Sandbox Road) County Road 398, thence continuing along (Sandbox Road) County Road 398 and turning left onto an imaginary line to the east of and running parallel with County Road 394 so as

include them in the 30th District, thence [illegible]
and turning left onto Rt 15, thence continuing along Rt 15 and turning right onto Route 35, thence continuing along Route 35 and turning left onto Route 12, thence continuing along Route 12 and turning right onto Route 15, thence continuing along Route 15 and turning left onto County Road 371, thence continuing along County Road 371 and turning right onto U S Hwy 13 , thence continuing along U S Hwy 13 and turning left onto U S Hwy 13A, thence continuing along U S Hwy 13A to its intersection with the Woodside Town boundary, thence continuing in a counterclockwise direction along the Woodside Town boundary and turning right onto (Shade Road) County Road 30, thence continuing along (Shade Road) County Road 30 and turning right onto County Road 29, thence continuing along County Road 29 and turning right on U S Hwy 113A, thence continuing along U S Hwy 113A and turning left onto County Road 362, thence continuing along County Road 362 and turning right onto Cypress Branch, thence continuing along Cypress Branch and turning left onto the St. Jones River, thence continuing in a northerly direction along the St. Jones River and turning right onto the Federal Property line of the Dover Air Force Base, thence continuing in an easterly direction along the southern boundary of the Federal Property line of the Dover Air Force Base and turning right onto U S Hwy 113, thence continuing along U S Hwy 113 and turning left onto Route 9, thence continuing along Route 9 to the place of beginning.

(34) Thirty-fourth Representative District - The 34th Representative District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of County Road 195 (Wyoming Mill Road) and Isaac Branch, thence continuing in a clockwise direction along Isaac Branch to Moore's Lake and turning right onto U. S. Highway 113A, thence continuing along U.S. Highway 113A and turning left onto Rt 10, thence continuing along Rt 10 and turning right onto U. S. Highway 113, thence continuing along U. S. Highway 113 to the southern Federal property line of the Dover Air Force Base and turning right onto the Federal property line and turning left onto the St. Jones River, thence continuing along the St. Jones River and turning right onto Cypress Branch, thence continuing along Cypress Branch and turning left onto County Road 362, thence continuing along County Road 362 and turning right onto U S Hwy 113A, thence continuing along U S Hwy 113A and turning left on Rt 29, thence continuing along Rt 29 and turning left on Rt 30, thence continuing along Rt 30 and turning left onto Shade Road (County Road 30), thence continuing along Shade Road to the town boundary of Woodside, thence continuing in a clockwise direction along the town boundary of Woodside to its intersection with County Road 232, thence continuing along County Road 232 and turning left onto Rt 52, thence continuing along Rt 52 and turning right onto Allabands Mill Stream, thence continuing along Allabands Mill Stream and turning right onto Isaac Branch, thence continuing along Isaac Branch and along Wyoming Lake to the place of beginning.

(35) Thirty-fifth Representative District - The 35th Representative District shall comprise: All that portion of Kent and Sussex Counties bounded by a line beginning at the intersection of the Maryland and Delaware State boundary and Route 14, thence continuing in a clockwise direction along Route 14 and turning right onto (Prospect Church Road) County Road 114, thence continuing along (Prospect Church Road) County Road 114 and turning left onto (Hammondtown Road) County Road 311, thence continuing along (Hammondtown Road) County Road 311 to County Road 116, thence continuing along County Road 116 and turning left onto County Road 429, thence continuing along County Road 429 and turning right onto Beaverdam Branch, thence continuing along Beaverdam Branch and turning left onto County Road 384, thence continuing along County Road 384 and turning right onto Route 14, thence continuing along Route 14 and turning right onto County Road 444, thence continuing along County Road 444 and turning left onto Blairs Pond, thence continuing along Blairs Pond and turning left onto the Kent County and Sussex County boundary, thence continuing along the Kent County and Sussex County boundary and turning right onto Bowman Branch, thence continuing along Bowman Branch and turning left onto Evergreen Lane, thence continuing along Evergreen Lane to the Milford Town boundary, thence continuing in a counterclockwise direction and turning right onto U. S. Highway 113, thence continuing along U. S. Highway 113 and turning right onto County Road 625, thence continuing along County Road 625 and turning right onto County Road 213, thence continuing along County Road 213 and turning left onto U S Hwy 113, thence continuing along U S Hwy 113 and turning right onto Road 527, thence continuing along County Road 527 and turning left onto County Road 522, thence continuing along County Road 522 and turning right onto Route 18, thence continuing along Route 18 and turning left

onto County Road 521, thence continuing along County Road 521 and continuing along an imaginary line extended from County Road 521 to Layton-Vaughn Ditch and turning left onto Layton-Vaughn Ditch, thence continuing along Layton-Vaughn Ditch and turning right onto County Road 520, thence continuing along County Road 520 and turning right onto County Road 446, thence continuing along County Road 446 and turning left onto County Road 518-A, thence continuing on 518-A and turning right onto Route 9, thence continuing along Route 9 and turning right onto County Road 46, thence continuing along County Road 46 and turning left onto County Road 484, thence continuing along County Road 484 and turning right onto Tyndall Branch, thence continuing along Tyndall Branch and turning left onto Deep Creek, thence continuing along Deep Creek and through Concord Pond and turning right onto County Road 516, thence continuing along County Road 516 and turning left onto County Road 525, thence continuing along County Road 525 and turning left onto County Road 526A, thence continuing along County Road 526A and turning left onto County Road 46, thence continuing along County Road 46 and turning left onto Route 18, thence continuing along Route 18 and turning left onto Route 18, thence continuing along Route 18 and turning right onto the Maryland and Delaware State boundary, thence continuing along the Maryland and Delaware State boundary to the place of beginning.

(36) Thirty-sixth Representative District - The 36th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of Haven Lake and Silver Lake, thence in a clockwise direction along Silver Lake to the Kent County and Sussex Boundary, thence continuing along the Kent County and Sussex County Boundary to the Delaware Bay, thence continuing along an extension of the Kent County and Sussex County Boundary to its intersection of Broadkill River and Delaware Bay, thence continuing in a clockwise direction along the Broadkill River and turning left onto Old Mill Creek, thence continuing along Old Mill Creek in a westerly direction to Red Mill Pond, thence continuing along Red Mill Pond in a westerly direction to Martin Branch, thence continuing along Martin Branch in a westerly direction and turning right onto Rt 9, thence continuing along Rt 9 and turning right onto the boundary of the Town of Georgetown, thence continuing along the boundary of the Town of Georgetown in a counter clockwise direction and turning right onto Rt 18, thence continuing along Rt 18 and turning left onto County Road 622, thence continuing along County Road 622 and turning left onto U. S. Highway 113, thence continuing along U. S. Highway 113 and turning right onto Rt 9, thence continuing along Rt 9 and turning right onto County Road 446, thence continuing along County Road 446 and turning right onto County Road 520, thence continuing along County Road 520 and turning left onto Layton-Vaughn Ditch and turning right onto an imaginary line extended from County Road 521 to Layton-Vaughn Ditch, thence continuing along an imaginary line extended from County Road 521 to Layton-Vaughn Ditch to County Road 521, thence continuing along County Road 521 and turning right onto Rt 18, thence continuing along Rt 18 and turning left onto County Road 522, thence continuing along County Road 522 and turning right on 527, thence continuing on 527 and turning left onto U S HWY 113, thence continuing along U. S. Highway 113 and turning right onto County Road 213, thence continuing along County 213 and turning left onto County Road 625, thence continuing along County Road 625 and turning right onto U S Hwy 113, thence continuing along U S Hwy 113 and turning left onto the Milford Town Boundary Line, thence continuing along the Milford Town Boundary Line in a clockwise direction and turning left onto Evergreen Lane, thence continuing along Evergreen Lane and turning right onto Bowman Branch, thence continuing along Bowman Branch to Haven Lake, thence continuing along Haven Lake to the place of beginning.

For the purposes of this section only references to the Boundary of the Town of Georgetown are to the boundary as existed in 1981.

(37) Thirty-seventh Representative District-The 37th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of the Broadkill River and the Delaware Bay, thence continuing in a counterclockwise direction along the Broadkill River and turning left onto Old Mill Creek, thence continuing along Old Mill Creek through Red Mill Pond and continuing along Martin Branch and turning right onto Route 9, thence continuing along Route 9 and turning left onto Route 30, thence continuing along Route 30 and turning left onto County Road 47, thence continuing on County Road 47 and turning right onto Route 5, thence continuing along Route 5, becoming Rt. #22, and turning left onto County Road 298, thence continuing on County Road 298 and turning right onto Guinea Creek, thence continuing along Guinea Creek and turning right onto Herring Creek, thence

continuing along Herring Creek to an imaginary line extending through Rehoboth Bay to the Lewes & Rehoboth Canal, thence continuing from the Lewes & Rehoboth Canal along the northern shoreline of Rehoboth Bay in an easterly direction to the northern property boundary of the Delaware Seashore State Park, thence continuing in an easterly direction along the northern property boundary of the Delaware Seashore State Park to an imaginary line extending therefrom in an easterly direction to the Delaware State boundary in the Atlantic Ocean, thence continuing in a northerly direction along the Delaware State boundary in the Atlantic Ocean to the point where said boundary line meets the New Jersey and Delaware State boundary, thence in a northwesterly direction along the New Jersey and Delaware State boundary to its intersection with an imaginary line extended from the Broadkill River, thence continuing along said imaginary line to the Broadkill River being the place of beginning.

(38) Thirty-eighth Representative District-The 38th Representative District shall comprise: All that portion of Sussex County being bounded by a line beginning at the intersection of County Road 296 and County Road 47, thence continuing in a clockwise direction along County Road 47 and turning right onto County Road 5, then continuing along County Road 5 becoming Rt. 22 thence continuing on Rt. 22 and turning left onto County Road 298, thence continuing on County Road 298 and turning right onto Guinea Creek, thence continuing along Guinea Creek and turning right onto Herring Creek, thence continuing along Herring Creek to an imaginary line extending through Rehoboth Bay to the Lewes/Rehoboth Canal and turning right and continuing along the northern shoreline of Rehoboth Bay to its intersection with the northern boundary of the Delaware Seashore State Park, thence continuing along the northern boundary of the Delaware Seashore State Park to an imaginary line extending from said State Park boundary to Delaware State boundary in the Atlantic Ocean, thence continuing along said imaginary line and turning right onto the Delaware State boundary in the Atlantic Ocean, thence continuing along said State boundary and turning right onto an imaginary line extending from the Delaware and Maryland State boundary to the Delaware State boundary in the Atlantic Ocean, thence continuing along said imaginary line and continuing along the Delaware and Maryland State boundary onto an imaginary line extending from the intersection of the Delaware and Maryland State boundary and County Road 378 to the intersection of County Road 418 and Route 54, thence continuing on Route 54 and turning right onto Route 54, thence continuing on Route 54 and turning left onto County Road 380-A, thence continuing along County Road 380-A and turning right onto County Road 380, thence continuing along County Road 380 and turning left onto County Road 376, thence continuing along County Road 376 and turning right onto County Road 392, thence continuing along County Road 392 and turning left onto County Rd. 375, thence continuing along County Rd. 375 and turning left onto County Rd. #382, thence continuing along County Rd. 382 and turning right onto Vines Creek, thence continuing along Vines Creek and turning right onto Pepper Creek, thence continuing in a counterclockwise direction to the Indian River, thence continuing along the Indian River in a westerly direction to an unnamed stream and turning right onto County Road 305, thence continuing along County Road 305 and turning left onto County Road 296, thence continuing along County Road 296 to the place of beginning.

(39) Thirty-ninth Representative District - The 39th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of Rt 18 and the Delaware/Maryland State boundary line, thence in a counterclockwise direction (southerly) along the Delaware/Maryland State boundary line and turning left onto the Nanticoke River; thence continuing along the Nanticoke River and turning right onto Gum Branch, thence continuing along Gum Branch to the intersection of County Road 480, thence continuing along County Road 480 and turning right onto County Road 479, thence continuing along County Road 479 and turning left onto County Road 480A, thence continuing along County Road 480A and turning left onto County Road 474, thence continuing along County Road 474 and turning left onto Rt 20, thence continuing along Rt 20 and turning right onto County Road 516, thence continuing along County Road 516 and turning left onto County Road 525, thence continuing along County Road 525 and turning left onto County Road 526A, thence continuing along County Road 526A and turning left onto County Road 46, thence continuing along County Road 46 and turning left onto Rt 18, thence continuing along Rt 18 and turning left onto Route 18 in a westerly direction to the place of beginning

(40) Fortieth Representative District - The 40th Representative District shall comprise: All that portion of Sussex County bounded by a line beginning

at the intersection of the Nanticoke River and the Delaware/Maryland State boundary line, thence in a counterclockwise direction along the Delaware/Maryland State boundary line and turning left onto County Road 62, thence continuing along County Road 62 and turning right onto County Road 421, thence continuing along County Road 421 and turning left onto County Road 61, thence continuing along County Road 61 and turning right onto Rt 24, thence continuing along Rt 24 and turning left onto County Road 431, thence continuing along County Road 431 and turning left onto County Road 325, thence continuing along County Road 325 and turning left onto County Road 518, thence continuing along County Road 518 and turning left onto Rt 9, thence continuing along Rt 9 and turning right onto County Road 46, thence continuing along County Road 46 and turning left onto County Road 484, thence continuing along County Road 484 and turning right onto Tyndall Branch and turning left onto Deep Creek, thence continuing along Deep Creek to Concord Pond, thence continuing along Concord Pond and turning left onto County Road 516, thence continuing along County Road 516 and turning left onto County Road 20, thence continuing along County Road 20 and turning right onto County Road 474, thence continuing along County Road 474 and turning right onto County Road 480A, thence continuing along County Road 480A and turning right onto County Road 479, thence continuing along County Road 479 and turning left onto County Road 480, thence continuing along County Road 480 to its intersection with Gum Branch, thence continuing along Gum Branch and turning left onto the Nanticoke River, thence continuing along the Nanticoke river to the place of beginning.

(41) Forty-first Representative District-The 41st Representative District shall comprise: All that portion of Sussex County bounded by a line beginning at the intersection of Route 9 and Route 30, thence continuing in a counter clockwise direction along Route 30 and turning left onto County Road 47, thence continuing along County Road 47 and turning right onto County Road 296, thence continuing along County Road 296 and turning right onto County Road 305, thence continuing along County Road 305 to an unnamed stream that runs into Indian River, thence continuing along Indian River in a clockwise direction to Pepper Creek, thence continuing along Pepper Creek and turning left onto Vines Creek, thence continuing along Vines Creek and turning left onto County Rd. 382, thence continuing along County road 382 and turning right onto County Rd. 375, thence continuing on County Rd. 375 and turning right onto County Road 392, thence continuing along County Road 392 and turning left onto County Road 376, thence continuing along County Road 376 and turning right onto County Road 380, thence continuing along County Road 380 and turning right onto County Road 380A, thence continuing along County Road 380A and turning right onto Route 54, thence continuing on Route 54 to a point where Route 54 intersects with County Road 417, thence continuing along an imaginary line joining that point to the point of intersection between County Road 378 and the Maryland and Delaware State boundary, thence continuing along the Maryland and Delaware State boundary and turning right onto County Road 62, thence continuing along County Road 62 and turning right onto County Road 421, thence continuing along County Road 421 and turning left onto County Road 61, thence continuing along County Road 61 and turning right onto Route 24, thence continuing along Route 24 and turning left onto County Road 431, thence continuing along County Road 431 and turning left onto County Road 325, thence continuing along County Road 325 and turning left onto County Road 518, thence continuing along County Road 518 until its intersection with Route 9 when it becomes 518-A, thence continuing along 518-A and turning right onto County Road 446, thence continuing along County Road 446 and turning left onto Route 9 thence continuing along Route 9 and turning left onto US Hwy 113, thence continuing along US Hwy 113 and turning right onto County Road 622, thence continuing along County Road 622 and turning left onto Route 18, thence continuing along Route 18 and turning right onto the boundary of the Town of Georgetown, thence continuing along the boundary of the Town of Georgetown in a clockwise direction and turning left onto Route 9, thence continuing along Route 9 to the place of beginning.

For the purposes of this Section only references to the Boundary of the Town of Georgetown are to the boundary as existed in 1981.

Subchapter III. General Assembly Senate Districts.

§831. Boundaries of the General Assembly Senate Districts.

The boundaries of the General Assembly Senate Districts shall be as follows:

First Senatorial District - The 1st Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of N DuPont Road and Lancaster Avenue thence southeast along the center line of Lancaster Avenue to its intersection with the center line of Union Street, thence northeast along the center line of Union Street to its intersection with the center line of 7th Street, thence southeast along the center line of 7th Street to its intersection with the center line of N. Franklin Street, thence northeast along the center line of N. Franklin Street to its intersection with the center line of 8th Street, thence southeast along the center line of 8th Street to its intersection with the center line of N. Van Buren Street, thence northeast along the center line of N. Van Buren Street to its intersection with the center line of W. 10th Street, thence northwest along the center line of W. 10th Street to its intersection with the center line of N. Broom Street, thence northeast along the center line of N. Broom Street to its intersection with the center line of W. 11th Street, thence southeast along the center line of W. 11th Street to its intersection with the center line of N. Franklin Street, thence northeast along the center line of N. Franklin Street to its intersection with the center line of Lovering Avenue, thence southeast along the center line of Lovering Avenue to its intersection with the center line of N. Van Buren Street, thence northeast along the center line of N. Van Buren Street to its intersection with the center line of Brandywine Creek, thence southeast along the center line of Brandywine Creek to its intersection with the center line of Baynard Boulevard, thence northeast along the center line of Baynard Boulevard to its intersection with the center line of Washington Street, thence northeast along the center line of Washington Street to its intersection with the center line of W. 28th Street, thence northwest along the center line of W. 28th Street to its intersection with the center line of N. Jefferson Street, thence northeast along the center line of N. Jefferson Street to its intersection with the center line of 36th Street, thence southeast along the center line of 36th Street to its intersection with the center line of Washington Street, thence northeast along the center line of Washington Street to its intersection with the center line of Lea Boulevard, thence southeast along the center line of Lea Boulevard to its intersection with the center line of Philadelphia Pike, thence northeast along the center line of Philadelphia Pike to its intersection with the center line of Edgemoor Road, thence southeast along the center line of Edgemoor Road to its intersection with the center line of Governor Printz Boulevard, thence northeast along the center line of Governor Printz Boulevard to its intersection with Lore Avenue, thence northwest along the center line of Lore Avenue to its intersection with the center line of River Road, then northeast along the center line of River Road to its intersection with the northeastern boundary of the Town of Bellefonte, thence northwest along the boundary of the Town of Bellefonte to its intersection of Brandywine Boulevard, thence northeast along the center line of Brandywine Boulevard to its intersection with the center line of Calhoun Road, thence northwest along the center line of Calhoun Road to its intersection with Philadelphia Pike, thence northeast along the center line of Philadelphia Pike to its intersection with the center line of Bellevue Parkway, thence northwest along the center line of Bellevue Parkway to its intersection with the center line of Carr Road, thence southwest along the center line of Carr Road to its intersection with the center line of Marsh Road, thence north along the center line of Marsh Road to its intersection with the center line of the B & O Railroad, thence southwest along the center line of the B & O Railroad to its intersection with the center line of Talley Road, thence north along the center line of Talley Road to its intersection with the center line of Weldin Road, thence west along the center line of Weldin Road to its intersection with the center line of Foulk Road, thence southwest along the center line of Foulk Road to its intersection with the center line of Concord Pike, thence south along the center line of Concord Pike to its intersection with the center line of the B & O Railroad, thence southwest along the center line of the B & O Railroad to its intersection with the center line of W. 18th Street, thence north along the center line of W. 18th Street to its intersection with the boundary line of the City of Wilmington, thence along the boundary line of the City of Wilmington by its various courses to its intersection with the center line of Lancaster Avenue, thence southeast along the center line of Lancaster Avenue, to the point of beginning.

Second Senatorial District: The 2nd Senatorial District shall comprise: All that portion of New Castle County and the City of Wilmington beginning at a point where the center line of US Route 40 intersects with the center line of County Road 373A (Landers Lane), thence southeast along the center line of County Road 373A to its intersection with the center line of County Road 374,

thence southwest along the center line of County Road 374 to its intersection with the center line of Landers Lane, thence southeast along the center line of Landers Lane to its intersection with the center line of Del. Route 9, thence south along the center line of Del. Route 9 to its intersection with the northern boundary line of the Town of New Castle, thence southeast along the boundary line of the Town of New Castle to its intersection with the Delaware River shoreline, thence northeast along the Delaware River shoreline to its intersection with an imaginary line extending easterly from the center line of Lore Avenue, thence along the imaginary line in a westerly direction to its intersection with the center line of Governor Printz Boulevard, thence southwest along the center line of Governor Printz Boulevard to its intersection with the center line of Edgemoor Road, thence northwest along the center line of Edgemoor Road to its intersection with the center line of Philadelphia Pike, thence southwest along the center line of Philadelphia Pike, which becomes North Market Street, to its intersection with the center line of Lea Boulevard, thence north along the center line of Lea Boulevard to its intersection with the center line of Washington Street, thence southwest along the center line of Washington Street to its intersection with the center line of W. 36th Street, thence northwest along the center line of W. 36th Street to its intersection with the center line of N. Jefferson Street, thence southwest along the center line of N. Jefferson Street to its intersection with the center line of 28th Street, thence southeast along the center line of 28th Street to its intersection with the center line of Washington Street, thence southwest along the center line of Washington Street to its intersection with the center line of Baynard Boulevard, thence southwest along the center line of Baynard Boulevard to its intersection with the center line of Brandywine Creek, thence northwest along the center line of Brandywine Creek to its intersection with the center line of N. Van Buren Street, thence southwest along the center line of N. Van Buren Street to its intersection with the center line of Lovering Avenue, thence northwest along the center line of Lovering Avenue to its intersection with the center line of N. Franklin Street, thence southwest along the center line of N. Franklin Street to its intersection with the center line of W. 11th Street, thence northwest along the center line of W. 11th Street to its intersection with the center line of N. Broom Street, thence southwest along the center line of N. Broom Street to its intersection with the center line of W.10th Street, thence southeast along the center line of W. 10th Street to its intersection with the center line of Washington Street, thence northeast along the center line of Washington Street to its intersection with the center line of E. 12th Street, thence southeast along the center line of E. 12th Street to its intersection with the center line of Pine Street, thence southwest along the center line of Pine Street to its intersection with the center line of E. 11th Street, thence southeast along the center line of E. 11th Street to its intersection with the center line of N. Church Street, thence southwest along the center line of N. Church Street to its intersection with the center line of E. 8th Street, thence northwest along the center line of E. 8th Street to its intersection with the center line of Lombard Street, thence southwest along the center line of Lombard Street to its intersection with the center line of E. 4th Street, thence southeast along the center line of E. 4th Street to its intersection with the center line of the Christina River, thence southwest along the center line of the Christina River to its intersection with the southeast boundary of the City of Wilmington, thence southeast along the boundary of the City of Wilmington to its intersection with N. duPont Highway, also known as Business Route 13, thence south along the center line of the N. duPont Highway to its intersection with the center line of Rogers Road, thence southeast along the center line of Rogers Road to its intersection with the center line of Del. Route 9, thence southwest along the center line of Del. Route 9 to its intersection with the center line of Lambson Lane, thence east along the center line of Lambson Lane to its intersection with the center line of the Penn Central Railroad tracks, thence in a southwesterly direction along the center line of the Penn Central Railroad tracks to its intersection with the center line of Interstate Route 295 and US Route 40, thence in a westerly direction along the center line of Interstate Route 295 and US Route 40 to its intersection with the center line of Del. Route 9, thence in a northerly direction along the center line of Del. Route 9 to its intersection with the center line of Memorial Drive, thence northwest along the center line of Memorial Drive to its intersection with the center line of US Route 13, thence southwest along the center of US Route 13 to its intersection with a point 130 feet northeast of Hazeldell Avenue, thence in a southeasterly direction along an imaginary line running from that point midway between Hazeldell Avenue and Karlyn Drive to a point where said imaginary line intersects the center line of Interstate Route 295 and US Route 40, thence west along the center line of

US Route 40 to the center line of County Road 373A (Landers Lane), the point of beginning.

Third Senatorial District - The 3rd Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Chestnut Run and the center line of Faulkland Road, thence east along the center line Faulkland Road to its intersection with the Reading Railroad, thence in a southeasterly direction along the railroad line by its several courses to its intersection with the southeast boundary of the City of Wilmington, thence along the boundary line of the City of Wilmington, by its various courses, in a southeasterly direction to its intersection with the center line of the Christina River, thence along with center line of the Christina River in a northeasterly direction to its intersection with the center line of a bridge extending across the Christina River from the east end of Fourth Street, thence along the center line of the bridge and then along the center line of Fourth Street in a northwesterly direction to its intersection with the center line of Lombard Street, thence along the center line of Lombard Street in a northeasterly direction to its intersection with the center line of East Eighth Street, thence along the center line of East Eighth Street in a southeasterly Direction to its intersection with the center line of North Church Street, thence along a center line of North Church Street in a northeasterly direction to its intersection with the center line of Eleventh Street, thence along the center line of Eleventh Street in a northwesterly direction to its intersection with the center line of Pine Street, thence along the center line of Pine Street in a northeasterly direction to its intersection with the center line of East Twelfth Street, thence along the center line of East Twelfth Street in a northwesterly direction to its intersection with the center line of Washington Street, thence along the center line of Washington Street in a southwesterly direction to its intersection with the center line of West Tenth Street, thence along a center line of West Tenth Street in a northwesterly direction to its intersection with the center line of North Van Buren Street, thence along the center line of North Van Buren Street in a southwesterly direction to its intersection with the center line of Eighth Street, thence along the center line of Eighth Street in a northwesterly direction to its intersection with the center line of North Franklin Street, thence along the center line of North Franklin Street in a southwesterly direction to its intersection with the center line of Seventh Street, thence along the center line of Seventh Street in a northwesterly direction to its intersection with the center line of Union Street, thence along the center line of Union Street in a southwesterly direction to its intersection with the center line of Lancaster Avenue, thence along the center line of Lancaster Avenue in a northwesterly direction to its intersection with the center line of Chestnut Run, thence south along the center line of Chestnut Run to its intersection with the center line of Faulkland Road, the point of beginning.

Fourth Senatorial District. - The 4th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Del. Route 141, also known as New Bridge Road or Murphy Road, and the center line of Alapocas Drive, thence along the center line of Alapocas Drive in a southerly direction to its intersection with the center line of Alapocas Run, thence along the center line of Alapocas Run in a generally westerly direction with its various courses to its intersection with the center line of Brandywine Creek, thence along the center line of Brandywine Creek with its various courses in a generally southeasterly direction to its intersection with the boundary line of the City of Wilmington, thence along the boundary line of the City of Wilmington in an easterly direction to its intersection with the center line of US Route 202, also known as Concord Pike, thence along the center line of US Route 202 in a northerly direction to its intersection with the center line of Foulk Road, thence along the center line of Foulk Road in a northeasterly direction to its intersection with the center line of Weldin Road, thence along the center line of Weldin Road in an easterly direction to its intersection with the center line of Talley Road, thence along the center line of Talley Road in a southerly direction to its intersection with the center line of the B & O Railroad line, thence along the center line of the B & O Railroad line in an east-northeasterly direction to its intersection with the center line of Marsh Road, thence along the center line of Marsh Road in a southerly direction to its intersection with the center line of Carr Road, thence along the center line of Carr Road in a northeasterly direction to its intersection with the center line of Bellevue Parkway, thence along the center line of Bellevue Parkway in a southeasterly direction to its intersection with the center line

of Philadelphia Pike, thence along the center line of Philadelphia Pike in a southwesterly direction to its intersection with the center line of Calhoun Road, thence along the center line of Calhoun Road in a southeasterly direction to its intersection with the center line of Brandywine Boulevard, thence along the center line of Brandywine Boulevard in a southwesterly direction to its intersection with the boundary line of the town of Bellefonte, thence along the boundary line of the town of Bellefonte in a southeasterly direction to its intersection with the center line of River Road, thence along the center line of River Road in a southwesterly direction to its intersection with the center line of Lore Avenue, thence along the center line of Lore Avenue and an imaginary line extending from the end of Lore Avenue in a southeasterly direction to a point where the said line intersects with the boundary line between the States of Delaware and New Jersey, thence along the Delaware-New Jersey boundary line in a northeasterly direction to its intersection with an imaginary extension of Myrtle Avenue, thence in a northwesterly direction along the imaginary extension of Myrtle Avenue and thence along the center line of Myrtle Avenue to its intersection with the center line of Philadelphia Pike, thence along the center line of Philadelphia Pike in a southwesterly direction to its intersection with the center line of Franklin Avenue, thence along the center line of Franklin Avenue in a northwesterly direction to its intersection with the center line of Green Street, thence along the center line of Green Street in a southwesterly direction to its intersection with the center line of Pennsylvania Avenue, thence along the center line of Pennsylvania Avenue in a northwesterly direction to its intersection with the center line of Miles Road, thence along the center line of Miles Road in a northeasterly direction to its intersection with the center line of Glenrock Drive, thence along the center line of Glenrock Drive in a northerly direction to its intersection with the center line of Interstate 95, thence along the center line of Interstate 95 in a westerly direction to its intersection with the center line of the south branch of Naaman's Creek, thence along the center line of the south branch of Naaman's Creek with its various courses in a generally northwesterly direction to its intersection with the center line of the B & O Railroad line, thence along the center line of the B & O Railroad line in a southwesterly direction to its intersection with the center line of Harvey Road, thence along the center line of Harvey Road in a northwesterly direction to its intersection with the boundary line of the town of Ardencroft, thence along the boundary line of the town of Ardencroft in a southwesterly direction and then a northwesterly direction to its intersection with the boundary line of the town of Arden, thence along the boundary line of the town of Arden in a northwesterly direction to its intersection with the center line of Marsh Road, thence along the center line of Marsh Road in a southwesterly direction to its intersection with the center line of Silverside Road, thence along the center line of Silverside Road in a northwesterly direction to its intersection with the center line of Graylyn Road, thence along the center line of Graylyn Road in a southwesterly direction to its intersection with the center line of Graywell Road, thence along the center line of Graywell Road in a southeasterly direction to its intersection with the center line of Wilson Road, thence along the center line of Wilson Road in a southwesterly direction to its intersection with the center line of Shipley Road, thence along the center line of Shipley Road in a northwesterly direction to its intersection with the center line of Silverside Road, thence along the center line of Silverside Road in a westerly direction to its intersection with the center line of Brookfield Avenue, thence along the center line of Brookfield Avenue in a southerly direction to its intersection with the center line of Roseanna Avenue, thence along the center line of Roseanna Avenue in an easterly direction to its intersection with the center line of Shellpot Drive, thence along the center line of Shellpot Drive in a southerly direction to its intersection with the center line of Florence Avenue, thence along the center line of Florence Avenue in a westerly direction to its intersection with the center line of US Route 202, also known as Concord Pike, thence along the center line of US Route 202 in a southerly direction to its intersection with the center line of Sharpley Road, thence along the center line of Sharpley Road in a southwesterly direction to its intersection with the center line of Willow Run, thence along the center line of Willow Run with its various courses in a southwesterly direction to its intersection with the center line of Husband's Run, thence along the center line of Husband's Run with its various courses in a southwesterly direction to its intersection with the center line of Rockland Road, thence along the center line of Rockland Road in a southeasterly direction to its intersection with the center line of Del. Route 141, also known as New Bridge Road or Murphy Road, thence along the

center line of Del. Route 141 in a southwesterly direction to its intersection with the center line of Alapocas Drive and the point of beginning.

Fifth Senatorial District. - The 5th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Shipley Road and the center line of Wilson Road, thence northeast along the center line of Wilson Road to its intersection with the center line of Graywell Road, thence northwest along the center line of Graywell Road to its intersection with the center line of Graylyn Road, thence in a northeasterly direction from the center of Graylyn Road to its intersection with the center line of Silverside Road, thence in a southeasterly direction from the center line of Silverside Road to its intersection with the Center Line of Marsh Road, thence northeast along the center line of Marsh Road to the center line of the town boandary of the Town of Arden, thence southeast along the center line of the boundary line of the Town of Arden to its intersection with the center of the boundary line of the Town of Ardencroft, thence southeast along the boundary line of the Town of Ardencroft to its intersection with the center line of Harvey Road. thence southeast along the center line of Harvey Road to its intersection with the center line of the B & O Railroad, thence northeast along the center of the B & O Railroad to its intersection with the center line of the South Branch of Naamans Creek, thence in a southeast direction from the center line of the South Branch of Naamans Creek to its intersection with Interstate 95, thence east along the centerline of Interstate 95 to its intersection with the center line of Glenrock Drive, thence south along the center line of Glenrock Drive to its intersection with Miles Road, thence south along the center line of Miles Road to its intersection with the center line of Pennsylvania Avenue, thence south along the centerline of Pennsylvania Avenue to its intersection with the center line of Green Street, thence northeast along the center line of Green Street to its intersection with the center line of Franklin Avenue, thence southeast along the center line of Franklin Avenue to its intersection with the center line of Philadelphia Pike, thence northeast along the center line of Philadelphia Pike to its intersection with the center line of Myrtle Avenue, thence southeast along the center line of Myrtle Avenue to an imaginary extension of Myrtle Avenue, thence southeast along the imaginary extension of Myrtle Avenue to its intersection with the boundary line of the State of Delaware with the State of New Jersey, thence northeast along the Delaware-New Jersey boundary line to its intersection with the boundary line between the states of Delaware and Pennsylvania, thence northwest along the Delaware-Pennsylvania boundary line to its intersection with a point at which an imaginary line extended from the center line of Dartmouth Woods Road intersects the said boundary line between the states, thence in a southwesterly direction along said imaginary line to its intersection with the center line of Dartmouth Woods Road, thence in a southwesterly direction along the center line of Dartmouth Woods Road to its intersection with the center line of Naamans Road, thence in a westerly direction along the center line of Naamans Road to its intersection with the center line of Shipley Road, thence in a southerly direction along the center line of Shipley Road to the point of beginning.

Sixth Senatorial District. -- The 6th Senatorial District shall comprise: all that portion of New Castle County beginning at the intersection of the center line of Christina Creek and the boundary of the State of Maryland and the State of Delaware, thence in an easterly direction along the center line of Christina Creek to its intersection with the center line of Wedgewood Road, thence in a northeast direction along the center line of Wedgewood Road to its intersection with the center line of Delaware Route 896, also known as New London Road, thence in a southeast direction along the center line of Delaware Route 896, also known as New London Road, to its intersection with the center line of Ray Street, thence in an easterly direction along the center line of Ray Street to its intersection with the center line of North College Avenue, thence in a southerly direction along the center line of North College Avenue to its intersection with the Center line of Main Street, thence along the center line of Main Street in a westerly direction to its intersection with the center line of Del. Route 2, thence in a northeast direction along the center line of Del. Route 2 to its intersection with the center line of Washington Street, thence in a northerly direction along the center line of Washington Street to its intersection with the center line of McKees Lane, thence in a northerly direction along the center line of McKees Lane to its intersection with the center line of a northern extension of McKees Lane, thence in a northerly direction along the center line of a northern extension of McKees Lane to its intersection with the center line of the White Clay

Creek, thence in an easterly direction along the center line of the White Clay Creek to its intersection with the center line of Del. Route 2, thence in an easterly direction along the center line of Del. Route 2 to its intersection with the center line of Middle Run Creek, thence in a northerly direction along the center line of Middle Run Creek to its intersection with the center line of Possum Park Road, also known as Del. Route 72, thence in a northwesterly direction along the center line of Possum Park Road to its intersection with the center line of Paper Mill Road, also known as Curtis Mill Road and as Del. Route 72, thence in a northeasterly direction along the center line of Paper Mill Road to its intersection with the center line of Corner Ketch Road, thence in a northwesterly direction along the center line of Corner Ketch Road to its intersection with the center line of Wilmington-Landenberg Road, also known as County Road 290, thence in a northerly direction along the center line of Wilmington-Landenberg Road to its intersection with the center line of Crossan Road, thence in an easterly direction along the center line of Crossan Road to its intersection with the center line of North Star Road, thence in a northerly direction along the center line of North Star Road to its intersection with the center line of Little Baltimore Road, thence in an easterly direction along the center line of Little Baltimore Road to its intersection with the center line of Limestone Road, thence in a southerly direction along the center line of Limestone Road to its intersection with the center line of Mendenhall Mill Road, thence in an easterly direction along the center line of Mendenhall Mill Road to its intersection with the center line of Mill Creek Road, thence in a southeasterly direction along the center line of Mill Creek Road to its intersection with Mill Creek, thence in a northerly direction along the center line of Mill Creek to its intersection with Brackenville Road, thence in a northeasterly direction along the center line of Brackenville Road to its intersection with the center line of Old Wilmington Road, thence in a southeasterly direction along the center line of Old Wilmington Road to its intersection with the center line of Ramsey Road, thence along the center line of Ramsey Road in a northeasterly direction to its intersection with the center line of Barley Mill Road, thence along the center line of Barley Mill Road to its intersection with the center line of Centre Road, thence in a southwest direction along the center line of Centre Road to its intersection with the center line of Lancaster Pike, thence in a southeast direction along the center line of Lancaster Pike to its intersection with the boundary line of the City of Wilmington, thence in a northerly direction along the boundary line of the City of Wilmington by its various courses to its intersection with the center line of Alapocas Run thence in a northeast direction along the center line of Alapocas Run to its intersection with Alapocas Drive, thence northwest along the center line of Alapocas Drive to its intersection with Del. Route 141, also known as New Bridge Road, thence in a northeast direction along Del. Route 141, to its intersection with the center line of Rockland Road, thence in a northwest direction along the center line of Rockland Road to its intersection with the center line of Husbands Run, thence in a northeast direction along the center line of Husbands Run to its intersection with the center line of Willow Run, thence in a northeast direction along the center line of Willow Run to its intersection with the center line of Sharpley Road, thence southeast along the center line of Sharpley Road to its intersection with the center line of U. S. Route 202, also known as Concord Pike, thence in a north direction along the center line of U. S. Route 202 to its intersection with the center line of Florence Avenue, thence in an easterly direction along the center line of Florence Avenue to its intersection with the center line of Shellpot Drive, thence in a north direction along the center line of Shellpot Drive to its intersection with the center line of Roseanna Avenue, thence in a westerly direction along the center line of Roseanna Avenue to its intersection with the center line of Brookfield Avenue, thence in a northerly direction along the center line of Brookfield Avenue to its intersection with the center line of Silverside Road, thence in an easterly direction along the center line of Silverside Road to its intersection with the center line of Shipley Road, thence in a northerly direction along the center line of Shipley Road to its intersection with the center line of Naaman's Road, thence in an easterly direction along the center line of Naaman's Road to its intersection with the center line of Dartmouth Woods Road, thence in a northeasterly direction along the center line of Dartmouth Woods Road to its end, thence in a northeasterly direction along an imaginary line extending from the center line of Dartmouth Woods Road to a point which intersects the boundary line of the States of Pennsylvania and Delaware, thence in a generally westerly direction along the boundary line of the State of Pennsylvania and State of Delaware by its various courses to its intersection with the center line of the boundary line of the State of

Maryland and State of Delaware, thence along the center line of the boundary line of the State of Maryland and State of Delaware, to the point of beginning.

Seventh Senatorial District. - The 7th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Brackenville Road and the center Line of Mill Creek, thence in a southeasterly direction along the center line of Mill Creek by its various courses to its intersection with the center line of Stoney Batter Road, thence along the center line of Stoney Batter Road in a northeasterly direction to its point of intersection with the center line of Mill Creek Road, thence along the center line of Mill Creek Road in an easterly direction to its point of intersection with the center line of Newport Gap Pike, thence along the center line of Newport Gap Pike in a southeasterly direction to its point of intersection with the center line of Faulkland Road, thence along the center line of Faulkland Road in a southwesterly direction to its point of intersection with the center line of Duncan Road, thence along the center line of Duncan Road in a southeasterly direction to its point of intersection with the center line of Newport Road, thence along the center line of Newport Road in a southeasterly direction to its point of intersection with the center line of Red Clay Creek, thence along the center line of Red Clay Creek in a southeasterly direction by its various courses to its intersection with Kiamensi Road, thence along the center line of Kiamensi Road in an easterly direction to its point of intersection with the center line of Newport Gap Pike, thence along the center line of Newport Gap Pike in a southeasterly direction to its point of intersection with the center line of Del. Route 141, thence along the center line of Route 141 in a southeasterly direction to its point of intersection with the boundary of the Town of Newport, thence along the Newport town boundary line in a southeasterly direction to its point of intersection with the center line of South Maryland Avenue, thence along the center line of South Maryland Avenue in a northeasterly direction to its point of intersection with the center line of the old Reading Railroad right of way, thence along the center line of the railroad right of way in a northwesterly direction to its point of intersection with the center line of Faulkland Road, thence along the center line of Faulkland Road in a westerly direction to its point of intersection with the center line of Chestnut Run, thence along the center line of Chestnut Run in a northerly direction by its various courses to its intersection with Lancaster Pike, thence along the center line of Lancaster Pike in a northwesterly direction to its point of intersection with the center line of Centre Road, thence along the center line of Centre Road in a northeasterly direction to its point of intersection with the center line of Barley Mill Road, thence along the center line of Barley Mill Road in a northwesterly direction to its point of intersection with the center line of Ramsey Road, thence in a southwesterly direction along the center line of Ramsey Road to its point of intersection with the center line of Old Wilmington Road, thence along the center line of Old Wilmington Road in a northwesterly direction to its point of intersection with the center line of Brackenville Road, thence along the center line of Brackenville Road in a southwesterly direction to its point of intersection with the center line of Mill Creek and point of beginning.

Eighth Senatorial District - The 8th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center lines of Thompson Station Road, Paper Mill Road (also known as Curtis Mill Road) and Possum Park Road, thence in a southeasterly direction along the center line of Possum Park Road, also known as Del. Route 72, to its intersection with the center line of Middle Run Creek, thence generally in a northerly direction along the center line of Middle Run Creek by its several courses to its intersection with the center line of Foxden Road, thence in an easterly direction along the center line of Foxden Road to its intersection with the center line of Ebenezer Church Road (formerly Polly Drummond Hill Road), thence in a southerly direction along the center line of Ebenzer Church Road to its intersection with the center line of Henderson Road, thence in an easterly direction along the center line of Henderson Road to its intersection with the center line of Upper Pike Creek Road, thence northerly along the center line of Upper Pike Creek Road to its intersection with the center line of Linden Hill Road, thence in a northeasterly direction along the center line of Linden Hill Road to its intersection with the center line of Limestone Road, thence in a southeasterly direction along the center line of Limestone Road to its intersection with the center line of Main Street, thence in an easterly direction along Main Street to its intersection with the center line of Red Clay Creek, thence in a

northeasterly direction along the center line of Red Clay Creek by its several courses to its intersection with the center line of Newport Road, thence in a northwesterly direction along the center line of Newport Road to its intersection with the center line of Greenbank Road, thence in a northerly direction along the center line of Greenbank Road to its intersection with the center line of Duncan Road, thence in a northwesterly direction along the center line of Duncan Road to its intersection with the center line of Faulkland Road, thence in an easterly direction along the center line of Faulkland Road to its intersection with the center line of Newport Gap Pike, thence in a northwesterly direction along the center line of Newport Gap Pike to its intersection with the center line of Mill Creek Road, thence in a westerly direction along the center line of Mill Creek Road to its intersection with the center line of Stoney Batter Road, thence in a southwesterly direction along the center line of Stoney Batter Road to its intersection with the center line of Mill Creek, thence in a northwesterly direction along the center line of Mill Creek by its several courses to its intersection with the center line of Mill Creek Road, thence in a northwesterly direction along the center line of Mill Creek Road to its intersection with the center line of Mendenhall Mill Road, thence in a westerly direction along the center line of Mendenhall Mill Road to its intersection with the center line of Limestone Road, thence in a northerly direction along the center line of Limestone Road to its intersection with the center line of Little Baltimore Road, thence in a westerly direction along the center line of Little Baltimore Road to its intersection with the center line of North Star Road, thence in a southerly direction along the center line of North Star Road to its intersection with the center line of Crossan Road, thence in a southerly direction along the center line of Crossan Road to its intersection with the center line of the Wilmington-Landenberg Road, also known as County Road 290 or Doe Run Road, thence in a southerly direction along the center line of the Wilmington-Landenberg Road to its intersection with the center line of Corner Ketch Road, thence in a southeasterly direction along the center line of Corner Ketch Road to its intersection with the center line of Paper Mill Road, also known as Curtis Mill Road and as a portion of Del. Route 72, thence along the center line of Paper Mill Road in a southwesterly direction to its intersection with the center line of Possum Park Road and the point of beginning.

Ninth Senatorial District. - The 9th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Christiana-Ogletown Road (Del. Route 273) with the center line of the Christina River; thence generally in an easterly and northerly direction along the center line of the Christina River, by its several courses, to its intersection with the center line of the southern boundary of the Town of Newport; thence in a counterclockwise direction along the center line of the boundary of the Town of Newport, to its intersection with the centerline of Newport Gap Pike; thence in a northerly direction along the center line of Newport Gap Pike to its intersection with the center line of Kiamensi Road; thence in a northwesterly direction along the center line of Kiamensi Road to its intersection with the center line of Red Clay Creek; thence southwesterly along the center line of Red Clay Creek by its several courses to its intersection with the center line of Main Street; thence in a westerly direction along the center line of Main Street, to its intersection with the center line of Limestone Road, thence in a northwesterly direction along the center line of Limestone Road to its intersection with the center line of Linden Hill Road, thence in a southwesterly direction along the center line of Linden Hill Road to its intersection with the center line of Upper Pike Creek Road, thence in a southerly direction along the center line of Upper Pike Creek Road to its intersection with the center line of Henderson Road, thence in a westerly direction along the center line of Henderson Road to its intersection with the center line of Ebenezer Church Road (formerly Polly Drummond Hill Road), thence in a northerly direction along the center line of Ebenezer Church Road (formerly Polly Drummond Hill Road), to its intersection with the center line of Foxden Road, thence westerly along the center line of Foxden Road to its intersection with the center line of Middle Run Creek, thence generally in a southerly direction along the center line of Middle Run Creek, by its several courses, to its intersection with the center line of Capitol Trail, thence westerly along the center line of Capitol Trail to its intersection with the center line of White Clay Creek, thence generally in a northeasterly direction along the center line of White Clay Creek, by its various courses, to its intersection with the center line of Harmony Road, thence southeasterly along the center line of Harmony Road to its intersection with the center line of the Ogletown-Stanton Road (Del. Route 4), thence in a

southwesterly direction with the center line of the Ogletown-Stanton Road to its intersection with the center line of Salem Church Road, thence in a southerly direction along the center line of Salem Church Road to its intersection with the center line of Elm Drive, thence in an easterly direction along the center line of Elm Drive to its intersection with the center line of Robert Oakes Lane; thence in southerly direction along the center line of Robert Oakes Lane to its intersection with the center line of Regal Boulevard, thence in a southerly direction along the center line of Regal Boulevard to its intersection with the center line of Brownleaf Road, thence in a northeasterly direction along the center line of Brownleaf Road to its intersection with the center line of Sonant Drive; thence in an east-southeasterly direction along the center line of Sonant Drive to its intersection with the center line of Stature Drive, thence in an easterly direction along the center line of Stature Drive to its intersection with the center line of Stature Court, thence in an easterly direction along the center line of Stature Court to its intersection with the center line of an unnamed branch of the Christina River, thence generally in a southerly direction along the center line of the unnamed branch of the Christina River, by its various courses, to its intersection with the center line of Interstate 95, thence in a northeasterly direction with the center line of Interstate 95 to its intersection with the center line of the Christiana-Ogletown Road (Del. Route 273), thence in a southeasterly direction with the center line of the Christiana-Ogletown Road to its intersection with the center line of Christina Creek and the point of beginning.

Tenth Senatorial District. - The 10th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of Christina Creek and the boundary of the States of Maryland and Delaware, thence with said state boundary line in a southerly direction to its intersection with the center line of U.S. Route 40; thence in an easterly direction along the center line of Route 40 to its intersection with the center line of the Conrail Right of Way, thence in a northerly direction along the center line of the Conrail Right of Way to its intersection with the center line of Belltown Run and Beck's Pond to its intersection with the center line of Salem Church Road, thence in a northerly direction along the center line of Salem Church Road to its intersection with the center line of Old Baltimore Pike, thence in a westerly direction along the center line of Old Baltimore Pike to its intersection with the center line of Del. Route 72, thence in a northerly direction along the center line of Del. Route 72 to its intersection with the center line of Interstate Route 95, thence in an easterly direction along the center line of Interstate 95 to its intersection with the 1990 Census Block Boundary between census blocks 211 and 212 of New Castle County MCD/CCD 91184, thence with the center line of said census block boundary line in a northerly direction, and then an easterly direction and then a northeasterly direction, to its intersection with the center line of Broadfield Drive; thence in an east-northeasterly direction along the center line of Broadfield Drive to its intersection with the center line of Longfield Road, thence in a northwesterly direction along the center line of Longfield Road to its intersection with the center line of Scottfield Drive, thence in a counterclockwise direction along the center line of Scottfield Drive to its intersection with the center line of Scottfield Turn, thence in a northwesterly direction along the center line of Scottfield Turn to its intersection with the center line of Del. Route 72, thence in a northerly direction along the center line of Route 72 to its intersection with the center line of the Amtrak Railroad right-of-Way, thence in an easterly direction along the center line of the Amtrak right-of-way to its intersection with the center line of Marrows Road, thence in a northwesterly direction along the center line of Marrows Road to its intersection with the center line of Ogletown Road, also known as Del. Route 273, thence in a westerly direction along the center line of Ogletown Road to its intersection with the center line of Main Street, thence in a westerly direction along the center line of Main Street to its intersection with the center line of North College Avenue, thence in a northerly direction along the center line of North College Avenue to its intersection with the center line of Ray Street; thence along the center line of Ray Street in a westerly direction to its intersection with the center line of New London Road, also known as Del. Route 896, thence along the center line of New London Road in a northwesterly direction to its intersection with the center line of Wedgewood Road, thence in a southwesterly direction along the center line of Wedgewood Road to its intersection with the center line of Christina Creek, thence along the center line of Christina Creek in a westerly direction to its intersection with the Delaware-Maryland State Boundary Line and the point of beginning.

Eleventh Senatorial District - The 11th Senatorial District shall comprise: All that portion of New Castle County bounded by a line beginning at the intersection of the center line of Del. Route 4 with the center line of Delaware Route 72, thence in a southerly direction along the center line of Delaware Route 72 to its intersection with the center line of Scottfield Turn, thence in a northeasterly direction along the center of Scottfield Turn to its intersection with the center line of Scottfield Drive, thence in a clockwise direction along the center line of Scottfield Drive to its intersection with the center line of Longfield Road, thence in a southeasterly direction long the center line of Longfield Road to its intersection with the center line of Broadfield Drive, thence in a west-southwesterly direction along the center line of Broadfield Drive to its intersection with the 1990 Census Block Boundary between census blocks 211 and 212 of New Castle County MCD/CCD 91184, thence in a southwesterly direction, then an easterly direction and then a southerly direction along the center line of said census block boundary to its intersection with the center line of Interstate Route 95, thence in a westerly direction along the center line of Interstate Route 95 to its intersection with the center line of Delaware Route 72, thence in a southerly direction along the center line of Delaware Route 72 to its intersection with the center line of Old Baltimore Pike, thence in an easterly direction along the center line of Old Baltimore Pike to its intersection with the center line of Salem Church Road, thence in a southerly direction along the center line of Salem Church Road to its intersection with the center line of US Route 40, thence in a northeasterly direction along the center line of US Route 40 to its intersection with the center line of Walther Road, thence in a northwesterly direction along the center line of Walther Road to its intersection with the center line of the Christina River, thence in a northeasterly direction along the center line of the Christina River to its intersection with the center line of Smalleys Pond, thence in a northeasterly direction along the center line of Smalleys Pond to its intersection with the center line of the Christina River, thence in a northeasterly direction along the center line of the Christina River to its intersection with the center line of the Christiana-Ogletown Road also known as Del. Route 273, thence in a northwesterly direction along the center line of the Christiana-Ogletown Road to its intersection with the center line of US Interstate 95, thence in a southwesterly direction along the center line of US Interstate 95 to its intersection with the center line of an unnamed branch of the Christina River, thence generally in a northerly direction along the center line of the unnamed branch of Christina River, by its various courses, to its intersection with Stature Court, thence in a westerly direction along the center line of Stature Court to its intersection with the center line of Stature Drive, thence in a westerly direction along the center line of Stature Drive to its intersection with the center line of Sonant Drive, thence in a west-northwesterly direction along the center line of Sonant Drive to its intersection with the center line of Brownleaf Road, thence in a southwesterly direction along the center line of Brownleaf Road to its intersection with the center line of Regal Boulevard, thence in a northerly direction along the center line of Regal Boulevard to its intersection with the center line of Robert Oakes Lane, thence in a northerly direction along the center line of Robert Oakes Lane to its intersection with the center line of Elm Drive, thence in a westerly direction along the center line of Elm Drive to its intersection with the center line of Salem Church Road, thence in a northerly direction along the center line of Salem Church Road to its intersection with the center line of Ogletown-Stanton Road, thence in a northeasterly direction along the center line of the Ogletown-Stanton Road to its intersection with the center line of Harmony Road, thence in a northwesterly direction along the center line of Harmony Road to its intersection with the center line of White Clay Creek, thence in a westerly direction along the center line of White Clay Creek to its intersection with the center line of a northern extension of McKees Lane, thence in a southerly direction along a northern extension of McKees Lane to its intersection with the center line of McKees Lane, thence in a southerly direction along the center line of McKees Lane to its intersection with the center line of Washington Street, thence in a southerly direction along the center line of Washington Street to its intersection with the center line of Capitol Trail, thence in a southwesterly direction along the center line of Capitol Trail to its intersection with the center line of East Main Street, thence in an easterly direction along the center line of East Main Street to its intersection with the center line of Ogletown Road, thence in an easterly direction along the center line of Ogletown Road to its intersection with the center line of Marrows Road, thence in a southeasterly direction along the center line of Marrows Road to its intersection with the center line

of the Amtrak Right-of-Way, thence in a westerly direction along the center line of the Amtrak Right-of-Way to its intersection with the center line of Delaware Route 72, thence in a southerly direction along the center line of Delaware Route 72 to its intersection with the center line of Del. Route 4, to the point of beginning.

Twelfth Senatorial District: The 12th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection of the center line of US Route 40 and the center line of Del. Route 896, thence south on Del. Route 896 to the center line of Porter Road, thence easterly along the center line of Porter Road to its intersection with the center line of Woods Road, thence southeast along the center line of Woods Road to its intersection with the center line of Howell School Road, thence southeast along the center line of Howell School Road to its intersection with the center line of Del. Route 71 (Red Lion Road), thence northeast along the center line of Del. Route 71 to its intersection with the center line of the Conrail tracks, thence north along the Conrail tracks to the center line of Del. Route 72, thence southeast along the center line of Del. Route 72 to its intersection with the center line of Del. Route 71, thence in a northeasterly direction along the center line of Del. Route 71 to its intersection with the center line of US Route 13, thence northeast along the center line of US Route 13 to its intersection with the center line of Hamburg Road, also known as County Road 381, thence southeast along the center line of Hamburg Road to its intersection with the center line of the River Road, also known as Del. Route 9, thence south along the center line of the River Road to its intersection with the center line of Red Lion Creek, thence east along the center line of Red Lion Creek to its intersection with the western shore of the Delaware River, thence extending along a nonvisible line due east to its intersection with the boundary line between the States of Delaware and New Jersey, thence in a northerly direction along the boundary between the States of Delaware and New Jersey to its intersection with a nonvisible line extending east from the northeasternmost boundary of the Town of New Castle, thence in a generally southwesterly direction along the center line of the boundary of the Town of New Castle to its intersection with the center line of Narrow Dyke Canal, thence northwest along the center line of Narrow Dyke Canal to its intersection with the center line of an abandoned rail line, thence along the center line of said abandoned rail line in a northerly direction to its intersection with the center line of US Route 13, thence southwest along the center line of US Route 13 to its intersection with the center line of US Route 40, thence southwest along the center line of US Route 40 to its intersection with the center line of Bear-Christiana Road, also known as Del. Route 7, thence northerly along the center line of Bear-Christiana Road to its intersection with an imaginary line extending northwest to the point at which the center line of Smalley's Dam Road comes to an end at its intersection with Penman Drive and 76th Street, thence northwest along said imaginary line to the center line of Smalley's Dam Road, thence northwest along the center line of Smalley's Dam Road to the point where it intersects with Taylor Drive; thence generally in an east-northeasterly direction along an imaginary line extending from the east end of Taylor Drive and running midway between the communities of Newtown Village and Treelane Terrace to a point 300 feet south of the intersection of River's End Drive and the Bear-Christiana Road, thence along the center line of the Bear Christiana Road to its intersection with the center line of the Christina River, thence southwest along the center line of the Christina River to its intersection with the center line of Smalleys Pond, thence southwest along the center line of Smalleys Pond to its intersection with the center line of the Christina River, thence southwest on the center line of the Christina River to its intersection with the center line of Walther Road, thence southeast along the center line of Walther Road to its intersection with the center line of US Route 40, thence southwest along the center line of US Route 40 to its intersection with the center line of Salem Church Road, thence northwest along the center line of Salem Church Road to its intersection with the center line of Belltown Run, thence south along the center line of Belltown Run to its intersection with the center line of Becks Pond, thence west along the center line of Becks Pond to its intersection with the center line of Belltown Run, thence south along the center line of Belltown Run to its intersecton with the Conrail tracks, thence southeast along the center line of the Conrail tracks to their intersection with the center line of US Route 40, thence west along the center line of US Route 40 to Del. Route 896, to the point of beginning.

Thirteenth Senatorial District. - The 13th Senatorial District shall comprise: All that portion of New Castle County beginning at the intersection

of the center line of Del. Route 7, also known as the Bear-Christiana Road, and US Highway 40, thence along the center line of Route 40 in a northeasterly direction to its intersection with the center line of US Route 13, thence along the center line of US Route 13 in a northeasterly direction to its intersection with the center line of an abandoned railroad right of way, thence along the center line of the abandoned railroad right of way in a southerly direction to its intersection with the center line of Narrow Dyke Canal, thence along the center line of Narrow Dyke Canal with its various courses in a southeasterly direction to its intersection with the center line of the boundary line of the town of New Castle, thence along the New Castle Town Boundary Line in a generally northeasterly direction to its intersection with the center line of Del. Route 9, thence in a northeasterly direction along the center line of Del. Route 9 to its intersection with Landers Lane, also known as County Road 373, thence along the center line of Landers Lane in a northwesterly direction to its intersection with the center line of Moore's Lane, also known as County Road 374, thence along the center line of Moore's Lane in a northeasterly direction to its intersection with the center line of County Road 373A, thence along the center line of County Road 373A in a northwesterly direction to its intersection with the center line of US Route 40 and Interstate 295, thence along the center line of US Route 40 and Interstate 295 in an easterly direction to its intersection with the point where an imaginary line running midway between Hazeldel Avenue and Karlyn Drive from a point on US Route 13, 130 feet northeast of Hazeldel Avenue, meets Interstate Route 295 and US Route 40, thence northerly along the center line of said imaginary line to its intersection with the center line of US Route 13, thence along the center line of US Route 13 in a northeasterly direction to its intersection with the center line of Memorial Drive, thence along the center line of Memorial Drive in a southeasterly direction to its intersection with the center line of Del. Route 9, thence in a southerly direction along the center line of Del. Route 9 to its intersections with the center lines of Interstate Route 295 and U.S. Route 40, thence in an easterly direction along the center line of Interstate Route 295 and U.S. Route 40 to their intersection with the center line of the Penn-Central Railroad tracks, thence in a northeasterly direction along the center line of the Penn-Central Railroad tracks to the point where the tracks intersect with the center line of Lambson Lane, also known as County Road 370, thence along the center line of Lambson Lane in a westerly direction to its intersection with the center line of Del. Route 9, thence along the center line of Del. Route 9 in a northeasterly direction to its intersection with the center line of Rogers Road. also known as County Road 369, thence along the center line of Rogers Road in a northwesterly direction to its intersection with the center line of US Route 13. thence along the center line of US Route 13 in a northwesterly direction to its intersection with the boundary line of the City of Wilmington, thence along the boundary line of the City of Wilmington in a northwesterly direction to its intersection with the center line of the Reading Railroad tracks, thence along the center line of the Reading Railroad tracks in a southwesterly direction to a fork in the Reading Railroad tracks, thence with the center line of the west fork of the Reading Railroad tracks in a generally northwesterly direction to its intersection with the center line of North Maryland Avenue, thence along the center line of North Maryland Avenue in a southwesterly direction to its intersection with the boundary line of the town of Newport, thence along the Newport town boundary in a generally southeasterly direction to its intersection with the Christina River, thence along the center line of the Christina River with its various courses in a generally southwesterly direction to its intersection with the center line of Del. Route 7, also known as the Bear-Christiana Road, thence along the center line of Del. Route 7 in a southerly direction to its intersection the point 300 feet south of River's End Drive where an imaginary line intersects with Del. Route 7, thence in a generally west-southwesterly direction along said imaginary line, which runs midway between the communities of Treelane Terrace and Newtown Village to its point of intersection with the center line of Smalley's Dam Road at the east end of Taylor Drive, thence southeasterly along the center line of Smalley's Dam Road to the point where it intersects with the center lines of Penman Drive and 76th Street, thence along an imaginary line extending southeastward from said point to the center line of Del. Route 7, thence south along the center line of Del. Route 7 to its intersection with the center line of Del. Route 40, and the point of beginning.

Fourteenth Senatorial District. -- The 14th Senatorial District shall comprise: All that portion of Kent County and New Castle County beginning at the intersection of the center line of the boundary between the States of Maryland and Delaware with the center line of the boundary between New Castle

County and Kent County, thence in a southeasterly direction along the center line of the New Castle County boundary to the intersection of the northwestern boundary of the Town of Clayton, thence in a southeasterly, southwesterly, southeasterly, northeasterly direction to the intersection of the boundary of the Town of Smyrna, thence following the southern boundary of the Town of Smyrna in a meandering fashion to its intersection with Lake Como, thence in a meandering fashion along the center of Lake Como to its junction with Mill Creek, thence along Mill Creek by its several courses northeasterly to its intersection with the eastern boundary of the Town of Smyrna, thence in a counterclockwise direction along the middle of the boundary of the Town of Smyrna to its intersection with the boundary line between Kent County and New Castle County, thence in a northeasterly direction along the New Castle County and Kent County boundary line to the Delaware Bay, thence in a generally northerly direction along the Delaware Bay and River by its several courses to its intersection with the center line of Red Lion Creek, thence in a westerly direction along the center line of Red Lion Creek to its intersection with the center line of the River Road, also known as Del. Route 9, thence in a northerly direction along the center line of the River Road to its intersection with the center line of Hamburg Road (County Road 381), thence in a northwesterly direction along the center line of Hamburg Road to its intersection with the center line of the southbound lane of US 13, thence along the center line of the southbound lane of US 13 to its intersection with the center line of Del. Route 71, thence in a southwesterly direction along the center line of Del. Route 71 to its intersection with the center line of Del. 72, thence in a generally northwesterly direction along the center line of Del. 72 to its intersection with the center line of the Conrail tracks, thence in a southerly direction along the center line of the Conrail tracks to their intersection with the center line of Del. Route 71, thence in a southerly direction along the center line of Route 71 to its intersection with the center line of County Road 54, thence in a westerly direction along the center line of County Road 54 to its intersection with the center line of County Road 402, also known as Woods Road, thence in a northerly direction along the center line of County Road 402 to its intersection with the center line of County Road 400, thence in a westerly direction along the center line of County Road 400 to its intersection with the center line of Del. Route 896, thence in a northerly direction along the center line of Del. 896 to its intersection with the center line of the westbound lane of Pulaski Highway (US Route 40), thence westerly along the center line of the westbound lane of the Pulaski Highway (US Route 40) to the boundary line between the States of Maryland and Delaware, thence south along the boundary line between the States of Maryland and Delaware to its intersection with the boundary line between New Castle County and Kent County, the place of beginning.

Fifteenth Senatorial District. -- The 15th Senatorial District shall comprise: All that portion of Kent County as follows beginning at the intersection of the boundary between the States of Delaware and Maryland and the intersection of the center line of Delaware 12, thence in a northeasterly direction along the center line of Delaware 12 to its intersection with the center line of County Road 274, thence in a southeasterly direction along the center line of County Road 274 to its intersection with the center line of County Road 275, thence in a southeasterly direction along the center line of County Road 275 to its intersection with the center line of County Road 279, thence in a northeasterly direction along the center line of County Road 279 to its intersection with the center line of County Road 78, thence in a southeasterly direction along the center line of County Road 78 to its intersection with the center line of County Road 289, thence in an easterly direction along the center line of County Road 289 to its intersection with the center line of County Road 428, thence in an easterly direction to the intersection of the center line of County Road 35, thence northeasterly along the center line of County Road 35 to its intersection with the center line of Del. Route 15, thence northerly along the center line of Del. Route 15 to its intersection with the center line of County Road 33, thence northerly along the center line of County Road 33 to its intersection with the center line of County Road 371, thence in an easterly direction along the center line of County Road 371 to its intersection with the center line of Hudson Branch, thence northerly along the center line of Hudson Branch to its intersection with the center line of County Road 31, thence northeasterly along the center line of County Road 31 to its intersection with the center line of County Road 105, thence in a northerly direction along the center line of County Road 105 to its intersection with the center line of Double Run, thence in an easterly direction along the center line of Double Run to its intersection with the center line of the first unnamed stream entering from the north, as shown on

of the center line of Del. Route 7, also known as the Bear-Christiana Road, and US Highway 40, thence along the center line of Route 40 in a northeasterly direction to its intersection with the center line of US Route 13, thence along the center line of US Route 13 in a northeasterly direction to its intersection with the center line of an abandoned railroad right of way, thence along the center line of the abandoned railroad right of way in a southerly direction to its intersection with the center line of Narrow Dyke Canal, thence along the center line of Narrow Dyke Canal with its various courses in a southeasterly direction to its intersection with the center line of the boundary line of the town of New Castle, thence along the New Castle Town Boundary Line in a generally northeasterly direction to its intersection with the center line of Del. Route 9, thence in a northeasterly direction along the center line of Del. Route 9 to its intersection with Landers Lane, also known as County Road 373, thence along the center line of Landers Lane in a northwesterly direction to its intersection with the center line of Moore's Lane, also known as County Road 374, thence along the center line of Moore's Lane in a northeasterly direction to its intersection with the center line of County Road 373A, thence along the center line of County Road 373A in a northwesterly direction to its intersection with the center line of US Route 40 and Interstate 295, thence along the center line of US Route 40 and Interstate 295 in an easterly direction to its intersection with the point where an imaginary line running midway between Hazeldel Avenue and Karlyn Drive from a point on US Route 13, 130 feet northeast of Hazeldel Avenue, meets Interstate Route 295 and US Route 40, thence northerly along the center line of said imaginary line to its intersection with the center line of US Route 13, thence along the center line of US Route 13 in a northeasterly direction to its intersection with the center line of Memorial Drive, thence along the center line of Memorial Drive in a southeasterly direction to its intersection with the center line of Del. Route 9, thence in a southerly direction along the center line of Del. Route 9 to its intersections with the center lines of Interstate Route 295 and U.S. Route 40, thence in an easterly direction along the center line of Interstate Route 295 and U.S. Route 40 to their intersection with the center line of the Penn-Central Railroad tracks, thence in a northeasterly direction along the center line of the Penn-Central Railroad tracks to the point where the tracks intersect with the center line of Lambson Lane, also known as County Road 370, thence along the center line of Lambson Lane in a westerly direction to its intersection with the center line of Del. Route 9, thence along the center line of Del. Route 9 in a northeasterly direction to its intersection with the center line of Rogers Road. also known as County Road 369, thence along the center line of Rogers Road in a northwesterly direction to its intersection with the center line of US Route 13. thence along the center line of US Route 13 in a northwesterly direction to its intersection with the boundary line of the City of Wilmington, thence along the boundary line of the City of Wilmington in a northwesterly direction to its intersection with the center line of the Reading Railroad tracks, thence along the center line of the Reading Railroad tracks in a southwesterly direction to a fork in the Reading Railroad tracks, thence with the center line of the west fork of the Reading Railroad tracks in a generally northwesterly direction to its intersection with the center line of North Maryland Avenue, thence along the center line of North Maryland Avenue in a southwesterly direction to its intersection with the boundary line of the town of Newport, thence along the Newport town boundary in a generally southeasterly direction to its intersection with the Christina River, thence along the center line of the Christina River with its various courses in a generally southwesterly direction to its intersection with the center line of Del. Route 7, also known as the Bear-Christiana Road, thence along the center line of Del. Route 7 in a southerly direction to its intersection the point 300 feet south of River's End Drive where an imaginary line intersects with Del. Route 7, thence in a generally west-southwesterly direction along said imaginary line, which runs midway between the communities of Treelane Terrace and Newtown Village to its point of intersection with the center line of Smalley's Dam Road at the east end of Taylor Drive, thence southeasterly along the center line of Smalley's Dam Road to the point where it intersects with the center lines of Penman Drive and 76th Street, thence along an imaginary line extending southeastward from said point to the center line of Del. Route 7, thence south along the center line of Del. Route 7 to its intersection with the center line of Del. Route 40, and the point of beginning.

Fourteenth Senatorial District. -- The 14th Senatorial District shall comprise: All that portion of Kent County and New Castle County beginning at the intersection of the center line of the boundary between the States of Maryland and Delaware with the center line of the boundary between New Castle

County and Kent County, thence in a southeasterly direction along the center line of the New Castle County boundary to the intersection of the northwestern boundary of the Town of Clayton, thence in a southeasterly, southwesterly, southeasterly, northeasterly direction to the intersection of the boundary of the Town of Smyrna, thence following the southern boundary of the Town of Smyrna in a meandering fashion to its intersection with Lake Como, thence in a meandering fashion along the center of Lake Como to its junction with Mill Creek, thence along Mill Creek by its several courses northeasterly to its intersection with the eastern boundary of the Town of Smyrna, thence in a counterclockwise direction along the middle of the boundary of the Town of Smyrna to its intersection with the boundary line between Kent County and New Castle County, thence in a northeasterly direction along the New Castle County and Kent County boundary line to the Delaware Bay, thence in a generally northerly direction along the Delaware Bay and River by its several courses to its intersection with the center line of Red Lion Creek, thence in a westerly direction along the center line of Red Lion Creek to its intersection with the center line of the River Road, also known as Del. Route 9, thence in a northerly direction along the center line of the River Road to its intersection with the center line of Hamburg Road (County Road 381), thence in a northwesterly direction along the center line of Hamburg Road to its intersection with the center line of the southbound lane of US 13, thence along the center line of the southbound lane of US 13 to its intersection with the center line of Del. Route 71, thence in a southwesterly direction along the center line of Del. Route 71 to its intersection with the center line of Del. 72, thence in a generally northwesterly direction along the center line of Del. 72 to its intersection with the center line of the Conrail tracks, thence in a southerly direction along the center line of the Conrail tracks to their intersection with the center line of Del. Route 71, thence in a southerly direction along the center line of Route 71 to its intersection with the center line of County Road 54, thence in a westerly direction along the center line of County Road 54 to its intersection with the center line of County Road 402, also known as Woods Road, thence in a northerly direction along the center line of County Road 402 to its intersection with the center line of County Road 400, thence in a westerly direction along the center line of County Road 400 to its intersection with the center line of Del. Route 896, thence in a northerly direction along the center line of Del. 896 to its intersection with the center line of the westbound lane of Pulaski Highway (US Route 40), thence westerly along the center line of the westbound lane of the Pulaski Highway (US Route 40) to the boundary line between the States of Maryland and Delaware, thence south along the boundary line between the States of Maryland and Delaware to its intersection with the boundary line between New Castle County and Kent County, the place of beginning.

Fifteenth Senatorial District. -- The 15th Senatorial District shall comprise: All that portion of Kent County as follows beginning at the intersection of the boundary between the States of Delaware and Maryland and the intersection of the center line of Delaware 12, thence in a northeasterly direction along the center line of Delaware 12 to its intersection with the center line of County Road 274, thence in a southeasterly direction along the center line of County Road 274 to its intersection with the center line of County Road 275, thence in a southeasterly direction along the center line of County Road 275 to its intersection with the center line of County Road 279, thence in a northeasterly direction along the center line of County Road 279 to its intersection with the center line of County Road 78, thence in a southeasterly direction along the center line of County Road 78 to its intersection with the center line of County Road 289, thence in an easterly direction along the center line of County Road 289 to its intersection with the center line of County Road 428, thence in an easterly direction to the intersection of the center line of County Road 35, thence northeasterly along the center line of County Road 35 to its intersection with the center line of Del. Route 15, thence northerly along the center line of Del. Route 15 to its intersection with the center line of County Road 33, thence northerly along the center line of County Road 33 to its intersection with the center line of County Road 371, thence in an easterly direction along the center line of County Road 371 to its intersection with the center line of Hudson Branch, thence northerly along the center line of Hudson Branch to its intersection with the center line of County Road 31, thence northeasterly along the center line of County Road 31 to its intersection with the center line of County Road 105, thence in a northerly direction along the center line of County Road 105 to its intersection with the center line of Double Run, thence in an easterly direction along the center line of Double Run to its intersection with the center line of the first unnamed stream entering from the north, as shown on

the 1980 Census Map of Kent County, thence in a northwesterly direction along the center line of said unnamed stream to its intersection with the center line of a county unnamed road, or the northern boundary of London Village, which is also the site of the boundary between 1990 Census blocks 207 and 208 Kent County MCD/CCD 90444, thence in a westerly direction along the center line of said unnamed road or boundary to its intersection with the center line of County Road 105, thence in a northerly direction along the center line of County Road 105 to its intersection with the center line of County Road 30, thence in a westerly direction along the center line of County Road 30 to its intersection with the center line of U.S. 13, thence in a northerly direction along the center line of U.S. 13 to its intersection with the center line of County Road 361, thence in a westerly direction to its intersection with the center line of U.S. 13A, thence in a southerly direction along the center line of U.S. Route 13A to its intersection with the center line of County Road 234, thence in a southwesterly direction along the center line of County Road 234 to its intersection with the center line of County Road 125, thence in a northerly direction along the center line of County Road 125 to its intersection with a boundary line between 1990 Census blocks 201 and 209 of Kent County MCD/CCD 90444, thence in a westerly direction along said boundary line to a point where it intersects with the center line of Almshouse Branch, thence northerly along the center line of Almshouse Branch to its intersection with the center line of County Road 202, thence in a westerly direction along County Road 202 to its intersection with the center line of County Road 203, thence in a northerly direction along the center line of County Road 203 to its intersection with the center line of Isaac Branch, thence along the center line of Isaac Branch in a southwesterly direction to its intersection with the center line of County Road 204, thence northerly along the center line of County Road 204 to its intersection with the center line of County Road 73, thence in a southwesterly direction along the center line of Road 73 to its intersection with the center line of Road 199, thence in a generally northern direction along the center line of Road 199 to its intersection with the center line of Del 8,at which point the road becomes Road 158, thence across Del. 8 and continuing in a northerly direction along the center line of Road 158 to its intersection with the census block boundary line between 1991 census blocks 305 to the west and 304 to the east of Kent County MCD/CCD 90740, thence in a generally easterly direction along the census block boundary by its various courses to its intersection with the center line of Maidstone Branch, thence northeast along the center line of Maidstone Branch, which branch also serves as the easterly boundary of census block 304, to its intersection with the center line of Road 158, thence in an easterly direction along the center line of Road 158 to its intersection with the center line of Road 104, thence in a northerly direction along the center line of Road 104 to its intersection with the center line of Road 155, thence northeasterly along the center line of County Road 155 to its intersection with the center line of County Road 156, thence northeasterly along the center line of County Road 156 to its intersection with the center line of County Road 153, thence northeasterly along the center line of County Road 153 to its intersection with the center line of U.S. Route 13, thence northwesterly along the center line of U.S. Route 13 to its intersection with the center line of the Leipsic River (Duck Creek), thence easterly along the middle of the Leipsic River (Duck Creek) to its intersection with the middle of the boundaries of the Town of Leipsic, thence in a clockwise direction around the middle of the boundaries of the Town of Leipsic to its intersection with the center line of the Leipsic River, by its several courses, thence in an easterly direction along the center line of Leipsic River to the Delaware Bay, thence in a northwesterly direction in the Delaware Bay to the boundary of New Castle County, following the boundary of New Castle County in a southerly and southwesterly direction to the northeastern boundary of the Town of Smyrna, thence in a southerly direction along the center line of the boundary of the Town of Smyrna to its intersection with Mill Creek, thence in a westerly direction along the center line of Mill Creek to its intersection with the center line of Lake Como, thence in a southwesterly direction along the center line of Lake Como to the southeasterly boundary of the Town of Smyrna, thence in a clockwise direction along the boundary of the Town of Smyrna to its intersection with the boundary of the Town of Clayton, thence in a clockwise direction along the boundary of the Town of Clayton to its intersection with the boundary between New Castle County and Kent County, thence in a southwesterly, westerly direction, along the boundary between New Castle County and Kent County to the intersection with the center line of the boundary between the States of Delaware and Maryland, thence in a southerly direction along the said boundary to the intersection with Delaware 12 at the point of beginning.

Sixteenth Senatorial District. -- The 16th Senatorial District shall comprise: All that portion of Kent County bounded by a line beginning at the intersection of the center line of State Route 15 and the center line of Browns Branch at McColley Pond, thence meandering in a northeasterly direction along the center line of the Murderkill River, thence northeasterly along the center line of the Murderkill River to its intersection with the center line of the Murderkill River to its intersection with the center line of US Route 113, thence southeasterly along the center line of US Route 113 to its intersection with the center line of Swan Creek, thence easterly along the center line of Swan Creek to its intersection with the dividing line between Kent County and Sussex County (the Mispillion River), thence along the dividing line between Kent County and Sussex County (the Mispillion River) in a meandering easterly direction to a point where its extension intersects the boundary line between the States of Delaware and New Jersey, thence northerly along said boundary line to its intersection with an extension of the St. Jones River, thence northwesterly along said extension and along the center line of the St. Jones River to its intersection with the center line of US Route 113, thence northerly along the center line of US Route 113 to its intersection with the center line of State Route 9, thence northerly along the center line of State Route 9 to its intersection with the center line of County Road 348, which is also the boundary line of Dover Air Force Base, thence following in a counterclockwise direction said boundary to its intersection with the center line of US Route 113, thence in a northerwesterly direction along the center line of US Route 113 to its intersection with the southern boundary of the City of Dover, thence southwesterly along said boundary to its intersection with the center line of the St. Jones River, thence southerly along the center line of the St. Jones River to its intersection with the center line of Isaac Branch, thence westerly along the center line of Isaac Branch to its intersection with the center line of US Route 113A, thence northerly along the center line of US 113A to its intersection with the center line of State Street, thence north along the center line of State Street to its intersection with the center line of Wyoming Avenue, thence westerly along the center line of Wyoming Avenue to its intersection with the southern boundary of 1990 Census Block 149 of MCD/CCD 90740, thence west along said boundary line to its intersection with the center line of the Conrail tracks, thence southwesterly along the center line of the Conrail track to its intersection with the town boundary of the Town of Wyoming, thence in a counterclockwise direction along said boundary to its intersection with the center line of County Road 52, thence westerly along the center line of County Road 52 to its intersection with the center line of Almshouse Branch, thence southerly along said boundary to its intersection with County Road 125, thence southerly along the center line of County Road 125 to its intersection with the center line of County Road 234, thence easterly along the center line of County Road 234 to its intersection with the center line of U.S. Route 13A, thence northerly along the center line of U.S. Route 13A to its intersection with the center line of County Road 361, thence easterly along the center line of County Road 361 to its intersection with the center line of U.S. Route 13, thence southerly along the center line of U.S. 13 to its intersection with County Road 30, thence northeasterly along the center line of County Road 30 to its intersection with County Road 105, thence southerly along the center line of County Road 105 to its intersection with a county unnamed road, or the northern boundary of London Village which is also the site of the boundary between Enumeration Districts 232 and 233 as shown on the 1980 Census Map of Kent County, thence easterly along the center line of said road or boundary to an unnamed stream directly east of London Village as shown on the 1980 Census Map of Kent County, thence southeasterly along the center line of said stream to Double Run, thence westerly along the center line of Double Run to its intersection with County Road 105, thence southerly along the center line of County Road 105 to its intersection with County Road 31, thence southwesterly along the center line of County Road 31 to its intersection with Hudson Branch, thence southerly along the center line of Hudson Branch to its intersection with County Road 371, thence westerly along the center line of County Road 371 to its intersection with County Road 33, which is also State Route 15, thence southeasterly along the center line of State Route 15 to point of beginning.

Seventeenth Senatorial District. -- The 17th Senatorial District shall comprise: All that portion of Kent County as follows, beginning at a point on the center line of County Road 52 at Almshouse Branch, thence in an easterly direction on the center line of County Road 52 to the town limits of Wyoming, thence in a northerly, and northeasterly, easterly direction around Wyoming

thence in a northeasterly direction along the center line of the Conrail line to its intersection with the southern boundary 1990 Census Block 149 of MCD/CCD 90740, easterly along said boundary line to its intersection with Wyoming Avenue, thence easterly along the center line of Wyoming Avenue to its intersection with State Street, thence south along the center line of State Street to its intersection with the center line of US 113A, thence in a southerly direction along the center line of US 113A to its intersection with the center line of the Isaac Branch, thence meandering in an easterly direction along the center line of the Isaac Branch to its intersection with the center line of the St. Jones River, by its several courses, thence in a northerly direction along the center line of the St. Jones River to its intersection with the southern boundary with the City of Dover, thence northeasterly along said boundary to its intersection with US 113, thence southwesterly along the center line of US 113 to its intersection with the Dover Air Force Base boundary, thence following Dover Air Force Base boundary to its intersection with the center line of State Route 9, thence in a southerly direction along the center line of State Route 9 to its intersection with the center line of the St. Jones River, thence in a southeasterly direction along the center line of the St. Jones River to the coastline of Delaware Bay, thence in a northerly direction along the coastline of Delaware Bay to the center line of Leipsic River, by its several courses, thence in a westerly direction along the center line of the Leipsic River to the middle of the eastern boundary of the Town of Leipsic, thence in a counterclockwise direction along the middle of the boundary of the Town of Leipsic to its intersection with the center of the Leipsic River, thence in a westerly direction along the center line of the Leipsic River to its intersection with the center line of U.S. Route 13, thence in a southerly direction along the center line of U.S. Route 13 to its intersection with County Road 155, thence southwesterly along the center line of County Road 155 to its intersection with County Road 104, thence southeasterly along the center line of County Road 104 to its intersection with the center line of County Road 158, thence westerly along the center line of County Road 158 to its intersection with the center line of Maidstone Branch, which branch also serves as the easterly census block boundary line of 1990 census block 304 of Kent County MCD/CCD 90740, thence southwesterly along the center line of Maidstone Branch to its intersection with the southerly block boundary line between block 304 to the north and east and census block 305 to the south and west, thence along the block boundary in a generally westerly direction by its several courses to its intersection with the center line of County Road 158, thence in a generally southwesterly direction along the center line of County Road 158 to its intersection with the center line of Del. Route 8, at which point Road 158 crosses Route 8 and becomes County Road 199, thence south along the center line of County Road 199 to its intersection with the center line of Del. Route 73, thence northeast on the center line of Del. Route 73, thence along the center line of Del. 73 in a north-easterly direction to its intersection with the center line of County Road 204, thence southeast along the center line of County Road 204 to its intersection with the center line of Isaac Branch, thence along the center line of Isaac Branch in a northeasterly direction to its intersection with the center line of County Road 203, thence in a southerly direction along the center line of County Road 203 to its intersection with the center line of County Road 202, thence in an easterly direction along the center line of County Road 202 to its intersection with the center line of Almshouse Branch, thence in a southerly direction along the center of Almshouse Branch to its intersection with the center line of County Road 52, the point of beginning.

Eighteenth Senatorial District. -- The 18th Senatorial District shall comprise: All that portion of Sussex and Kent Counties bounded by a line beginning at a point north of the City of Rehoboth and the community of North Shores where the east-west boundary between 1990 Census blocks 680D and 680C of Sussex County MCD/CCD 91776 meets the Atlantic Ocean, thence along said boundary line in a westerly direction to a point where said boundary line intersects the north-south boundary line between 1990 census blocks 691B and 680C of Sussex County MCD/CCD 91776, thence running in a generally northwesterly direction along said boundary line to a point where it intersects the northern boundary line of 1990 census block 691B of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the northerly boundary line of 1990 census block 691A of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the Lewes-Rehoboth Canal; thence in a southerly direction with said canal to a point where it intersects with

Holland Glade, thence meandering with the several courses of Holland Glade in a generally westerly direction to the point where Holland Glade intersects with the center line of the Conrail right-of-way; thence in a southeasterly direction with said right-of-way to the point whtere it intersects with the center line of County Road 271; thence in a southwesterly direction with the centerline of County Road 271 to the point where it intersects with the center line of Del. Route One; thence in a southeasterly direction with the center line of Route One to the point where the center line of Route One intersects with the center line of Country Club Road, also known as County Road 273, and thence in a southwesterly line along the center line of Road 273 to the point where the center line of Road 273 meets White Oak Creek; thence meandering with the course of said White Oak Creek to the point where White Oak Creek meets Rehoboth Bay, thence across the waters of Rehoboth Bay in a west-southwesterly direction to a point known as Bookhammer Landing on the western shore of Rehoboth Bay where the shoreline meets an extension of a road connecting the Joy Beach development with County Road 279A; thence in a westerly direction with the center line of said connecting road to its intersection with County Road 279A; thence in a westerly direction with the center line of County Road 279A to the point where it intersects with County Road 279; thence in a southerly direction along the center line of County Road 279 to the point where it intersects with County Road 277; thence in a westerly direction with the center line of County Road 277 to the point where it intersects with County Road 278; thence ina southerly direction with the center line of County Road 278 to the point where it meets the northern shoreline of Burton's Prong of Herring Creek; thence with said shoreline in a northwesterly direction to the point where Burton's Prong meets Del. Route 24; thence in a southerly direction with the center line of Del. Route 24 to the point where it intersects with Del. Route 5; thence in a northwesterly direction with the center line of Route 5 to the point where it intersects with County Road 47; thence in a westerly direction with the center line of County Road 47 to the point where it intersects with Delaware Route 30 at Springfield Crossroads; thence in a northerly direction along the center line of Del. Route 30 to the point where it intersects with the center line of County Road 249; thence in a northeasterly direction along the center line of Road 249 to its point of intersection with the southern town boundary line marking the town limits of Milton; thence following the southern and eastern boundaries of the Town of Milton to its point of intersection with the center line of Del. Route 16; thence in a westerly direction along the center line of Route 16 to the point where it intersects with the center line of County Road 212; thence in a northerly direction along the center line of County Road 212 to its intersection with the center line of Del. Route 30; thence in a north-northwesterly direction along the center line of Route 30 to the point where it intersects with the center line of County Road 207; thence along the center line of County Road 207 in a west-southwesterly direction to the point where it intersects with the center line of County Road 211; thence along the center line of County Road 211 in a north-northwesterly direction to its point of intersection with the southeastern boundary of the City of Milford, just northwest of County Road 211-County Road 225 Intersection; thence along the southeastern boundary of the City of Milford to its most southerly extent; thence turning in a northerly direction to run along the western boundary of the City of Milford to the point where it intersects with the center line of Del. Route 36; thence with the center line of Route 36 in a southwesterly direction to its point of intersection with the center line of County Road 620; thence along the center line of Road 620 in a west-northwesterly direction to the point where Road 620 crosses Tantrough Branch, which serves as the boundary between Sussex and Kent Counties, and is redesignated as Kent County Road 442; thence along the center line of County Road 442 in a west-northwesterly direction to the point where it intersects with the center line of County Road 443; thence along the center line of Road 443 to the point where it intersects with the centerlines of County Road 384 and County Road 116; thence in a west-southwesterly direction along the center line of County Road 116 to its point of intersection with the center line of US Route 13; thence continuing across US 13 onto the center line of County Road 311 and running along the center line of County Road 312 at Five Corners; thence in a northwesterly direction along the center line of Road 312 to its point of intersection with the center line of Del. Route 14; thence in a northeasterly direction along the center line of Del. Route 14 to the point where it intersects with the center line of County Road 59; thence in a northwesterly direction along the center line of Road 59 to its point of intersection with the center line of County Road 279; thence in a northerly direction along the center line of Road 279 to its intersection with the center line of County Road 275; thence northeasterly along the center line of County Road 279 to its

the center line of County Road 289 to its intersection with the center line of US 13, thence easterly along the center line of County Road 428 to its intersection with the center line of County Road 35, thence northeasterly along the center line of County Road 35 to its intersection with the center line of Del. Route 15, thence/southeasterly along the center line of Del. Route 15 to its intersection with the center line of the Browns Branch at McColley Pond, thence in a northeasterly direction along the center line of the Murderkill River to its intersection with US Route 113, thence southeasterly along the center line of US Route 113 to its intersection with Swan Creek at Tubmill Pond, thence easterly along the center line of Swan Creek to its intersection with the dividing line between Kent County and Sussex County, thence in an easterly direction along the boundary line between Kent County and Sussex County to a point where its extension intersects the boundary line between the States of Delaware and New Jersey, thence along said boundary line south to point of beginning.

Nineteenth Senatorial District. - The 19th Senatorial District shall comprise: All that portion of Sussex and Kent Counties bounded by a line beginning at the point where the center line of Del. Route 12 intersects with the boundary line marking Delaware's westerly boundary with the State of Maryland; thence in a southerly direction with said Delaware-Maryland Boundary Line to the point where the center line of Del. Route 20 intersects with the said Delaware-Maryland Boundary Line at the Village of Reliance; thence in an easterly direction with the center line of Del. Route 20 to the point where Del. Route 20 intersects with the boundary of the city limits of the City of Seaford; thence with said boundary in a northerly and then an easterly direction to its point of intersection with the center line of Atlanta Road, also known as County Road 30; thence in a northerly direction with the center line of Atlanta Road to the point where it intersects with Herring Run; thence in an east-southeasterly direction and meandering by its several courses to the point where Herring Run intersects with the center line of County Road 543; thence with the center line of Road 543 in a northerly direction to the point where it intersects with the boundary line between 1990 census blocks 315 on the northwest and 343 on the southeast of Sussex County MCD/CCD 93404, thence in a northeasterly direction along the said boundary line to the point where census block 315 ends and census block 316 begins at the center line of the Conrail tracks and, crossing said tracks; continuing in an easterly direction along the line marking the southern boundary of census block 316 and the northerly boundary of census block 343 to the point where said boundary line intersects with the center line of County Road 546, and, crossing County Road 546, in an easterly direction along the boundary line between 1990 census blocks 317 on the north and 341 on the east, of Sussex County MCD/CCD 93404 to the point where said blocks meet 1990 census blocks 318 on the west and 319 on the east; thence along the boundary line between blocks 318 and 319 in a northerly direction to the point where said boundary line intersects with the center line of County Road 544; thence along the center line of Road 544 in an east-southeasterly direction to its intersection along the center line of U.S. Route 13; thence in a southerly direction along the center line of Route 13 to the point where it intersects with the center line of Del. Route 20; thence in an easterly direction along the center line of Del. Route 20 to the point where it intersects with the center line of County Road 516; thence in a northerly direction along the center line of Road 516 to its point of intersection with the waters of Concord Pond and Deep Creek; thence meandering in a northeasterly direction with the several courses of Concord Pond and Deep Creek to the point where the center line of Deep Creek intersects with the center line of Tyndall Branch, thence in a southeasterly direction along the center line of Tyndall Branch to its point of intersection with the center line of County Road 484, thence in an east-northeasterly direction along the center line of County Road 484 to its point of intersection with the center line of County Road 46; thence in an easterly direction along the center line of County Road 46 to its intersection with the center line of U.S. Route 9, thence in a northeasterly direction along the center line of U.S. Route 9 to the point where it intersects with the center line of County Road 518A, thence in a westerly direction along the center line of County Road 518A to the point where it intersects with the center line of County Road 446, thence in a northeasterly direction along the center line of County Road 446 to the point where it intersects with the center line of U.S. Route 9, thence in a northeasterly direction along the center line of U.S. Route 9 to the point where it intersects with the center line of U.S. Route 113, thence in a southeasterly direction along the center line of U.S. Route 113 to the point where it intersects with the center line of County Road 325; thence in a

southeasterly direction along the center line of County Road 323 to the point where it intersects with the center line of County Road 48; thence in a southeasterly direction along the center line of County Road 48 to the point where it intersects with the center line of Del. Route 30; thence in a northerly direction along the center line of Del. Route 30 to the point where it intersects with the center line of County Road 249; thence in a northeasterly direction along the center line of Road 249 to its point of intersection with the southern town boundary line marking the town limits of Milton; thence following the southern and eastern boundaries of the Town of Milton to its point of intersection with the center line of Del. Route 16; thence in a westerly direction along the center line of Route 16 to the point where it intersects with the center line of County Road 212; thence in a northerly direction along the center line of County Road 212 to its intersection with the center line of Del. Route 30; thence in a north-northwesterly direction along the center line of Route 30 to the point where it intersects with the center line of County Road 207; thence along the center line of County Road 207 in a west-southwesterly direction to the point where it intersects with the center line of County Road 211; thence along the center line of County Road 211 in a north-northwesterly direction to its point of intersection with the southeastern boundary of the City of Milford just northwest of the County Road 211-County Road 225 Intersection; thence along the southwestern boundary of the City of Milford to its most southerly extent; thence turning in a northerly direction to run along the western boundary of the City of Milford to the point where it intersects with the center line of Del. Route 36; thence with the center line of Route 36 in a southwesterly direction to its point of intersection with the center line of County Road 620; thence along the center line of Road 620 in a west-northwesterly direction to the point where Road 620 crosses Tantrough Branch, which serves as the boundary between Sussex and Kent Counties, where Sussex County Road 620 becomes Kent County Road 442; thence along the center line of County Road 442 in a west-northwesterly direction to the point where it intersects with the center line of County Road 443; thence along the center line of Road 443 to the point where it intersects with the centerline of County Road 384, at Williamsville, and becomes County Road 116; thence in a west-southwesterly direction along the center line of County Road 116 to its point of intersection with the center line of US Route 13; thence continuing across US 13 onto the center line of County Road 311 and running along the center line of Road 311 in a westerly direction to the point where it intersects the center line of County Road 312 at Five Corners; thence in a northwesterly direction along the center line of Road 312 to its point of intersection with the center line of Del. Route 14; thence in a northeasterly direction along the center line of Del. Route 14 to the point where it intersects with the center line of County Road 59; thence in a northwesterly direction along the center line of Road 59 to its point of intersection with the center line of County Road 279; thence in a northerly direction along the center line of Road 279 to its intersection with the center line of County Road 275; thence in a northwesterly direction along the center line of County Road 275 to its intersection with the center lines of County Roads 274 and 271; thence in a northwesterly direction along the center line of County Road 274 to its point of intersection with the center line of Del. Route 12; thence in a westerly direction along the center line of Del. Route 12 to its intersection with the Delaware-Maryland State Line and the point of beginning.

Twentieth Senatorial District. - The 20th Senatorial District shall comprise: All that portion of Sussex County bounded by a line beginning at the point of intersection between the center lines of Del. Route 20 and County Road 431, known as Workman's Corner, and runs in a southerly direction along the center line of County Road 431 to its intersection with the center line of Delaware Route 24, at a point known as "Mission"; thence in a southwesterly direction following the center line of Del. Route 24 to the point where the center lines of Del. Route 24 and Del. Route 26 intersect, known as "Shaft Ox Corner"; thence in an easterly direction following the center line of Del. Route 26 to the intersection of the center lines of Route 26 and County Road 403; thence with the center line of County Road 403 in a southerly direction to the intersection of the center line of County Road 402 with a point marking the northerly boundary of the north-south line between 1990 Census Blocks 451 and 470 of Sussex County MCD/CCD 93552; thence with said boundary line in a southerly direction to a point where the center lines of Del. Route 54 and County Road 417 intersect; thence from said point in a southeasterly direction along an imaginary line extending from northwest to southeast across the Cypress Swamp to the point where the center line of County Road 378 intersects the Delaware-Maryland State Boundary Line; thence in an easterly direction

intersects with the shoreline of [illegible] a northerly direction along said shoreline to a point north of the City of Rehoboth Beach and the community of North Shores where the east-west boundary between 1990 census blocks 680D and 680C of Sussex County MCD/CCD 91776 intersects with the Atlantic Ocean; thence with said boundary line in a westerly direction to a point where said boundary line meets the north-south boundary line between 1990 census blocks 691B and 680C of Sussex County MCD/CCD 91776; thence running in a generally northerly and then northwesterly direction with said boundary line to a point where it meets the northerly boundary line of 1990 census block 691B of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the northerly boundary line of 1990 census block 691A of Sussex County MCD/CCD 91776; thence in a westerly direction with said boundary line to a point where it meets the Lewes-Rehoboth Canal; thence in a southerly direction with the center line of the canal to a point where it intersects with Holland Glade; thence meandering with the center line of Holland Glade in a generally westerly direction to the point where the center line of Holland Glade intersects with the center line of the Conrail right-of-way; thence in a southeasterly direction with center line of the right-of-way to the point where it intersects with the center line of County Road 271; thence in a southwesterly direction with the centerline of County Road 271 to the point where it intersects with the center line of Del. Route One; thence in a southeasterly direction with the centerline of Route One to the point where it intersects with the center line of County Road 273, and thence in a southwesterly line with the center line of Road 273 to the point where the center line of Road 273 crosses over the center line of White Oak Creek; thence meandering with the center line of said White Oak Creek to the point where White Oak Creek meets Rehoboth Bay; thence across the waters of Rehoboth Bay in a west-southwesterly direction to a point known as Bookhammer Landing on the western shore of Rehoboth Bay where the shoreline meets an extension of the center line of an unnamed road connecting the Joy Beach development with County Road 279A; thence in a westerly direction with the center line of said unnamed connecting road to its intersection with the center line of County Road 279A; thence in a westerly direction with the center line of County Road 279A to the point where it intersects with the center line of County Road 279; thence in a southerly direction along the center line of County Road 279 to the point where it intersects with the center line of County Road 277; thence in a westerly direction with the center line of County Road 277 to the point where it intersects with the center line of County Road 278; thence in a southerly direction with the center line of County Road 278 to the point where it meets the northern shoreline of Burton's Prong of Herring Creek; thence with said shoreline in a northwesterly direction to the point where the headwaters of Burton's Prong pass under the center line of Del. Route 24; thence in a southerly direction with the center line of Del. Route 24 to the point where it intersects with the center line of Del. Route 5; thence in a northwesterly direction with the center line of Route 5 to the point where it intersects with the center line of County Road 47; thence in a westerly direction with the center line of County Road 47 to the point where it intersects with the center line of Delaware Route 30 at Springfield Crossroads; thence in a southerly direction with the center line of Del. Route 30 to the point where it intersects with the center line of County Road 48 at Zoar Church; thence in a westerly direction with the center line of County Road 48 to the point where it intersects with the center line of County Road 325; thence in a northwesterly direction with the center line of County Road 325 to the point where it intersects with the center line of US Route 113; thence in a southeasterly direction with the center line of US Route 113 to its intersection with the center line of Del. Route 20; thence in a westerly direction with the center line of Del. Route 20 to its intersection with County Road 431 and point of beginning.

Twenty-first Senatorial District. - The 21st Senatorial District shall comprise: All that portion of Sussex County beginning at the point where the center line of Del. Route 20 intersects with Delaware's Western Boundary with the State of Maryland at the Village of Reliance; thence in a southerly direction along the Delaware-Maryland Boundary Line to the Delaware cornerstone, known as the "Middle Point of the Transpeninsular Line", marking the point where the Delaware-Maryland Boundary Line turns to the east; thence along said boundary line in an easterly direction to the point where it intersects the point where the center line of County Road 378 meets the Delaware-Maryland State Line, thence in a northwesterly direction from said point along an imaginary line to the point where said imaginary line intersects with the center lines of Del. Route 54 and County Road 417 and with

the southern end of the census block boundary line between 1990 census blocks 451 and 470 of Sussex County MCD/CCD 93552; thence along the census block boundary line in a northerly direction to the point where the boundary line intersects with the intersection of the center lines of County Roads 403 and 402; thence in a northerly direction with the center line of County Road 403 to its intersection with the center line of Del. Route 26; thence in a westerly direction along the center line of Route 26 to the point where the center lines of Route 26 and Del. Route 24 intersect, known as "Shaft Ox Corner"; thence in a northerly direction along the center line of Del. Route 24 to its intersection with the center line of County Road 431, at a point known as "Mission"; thence in a northwesterly direction along the center line of County Road 431 to its intersection with the center line of Del. Route 20 at a point known as "Workman's Corner"; thence in an easterly direction along the center line of Route 20 to its intersection with the center line of US Route 113; thence in a northwesterly direction along the center line of Route 113 to the point where it intersects with the center line of U.S. Route 9; thence in a southwesterly direction along the center line of Del. Route 9 to the point where it intersects with the center line of County Road 446, thence in a westerly direction to the point where it intersects with the center line of County Road 518A, thence in an easterly direction along the center line of County Road 518A to the point where it intersects with the center line of U.S. Route 9, thence in a southwesterly direction along the center line of U.S. Route 9 to the point where it intersects with the center line of County Road 46, thence in a westerly direction along the center line of County Road 46 to its intersection with the center line of County Road 484, thence in a west-southwesterly direction along the center line of County Road 484 to its intersection with the center line of Tyndall Branch, thence in a northwesterly direction along the center line of Tyndall Branch to its intersection with the center line of Deep Creek, thence with the waters of Deep Creek Branch in a generally southwesterly direction and the waters of Concord Pond, into which Deep Creek Branch flows, to the point where said branch and pond flow beneath the center line of County Road 516; thence in a southerly direction with the center line of County Road 516 to the point where it intersects with the center line of Del. Route 20; thence in a westerly direction with the center line of Route 20 to the point where it intersects with the center line of US Route 13; thence in a northerly direction with the center line of US Route 13 to its intersection with the center line of County Road 544; thence in a westerly direction along the center line of County Road 544 to its point of intersection with the 1990 U.S. Census block boundary line between 1990 census blocks 318 on the west and 319 of Sussex County MCD/CCD 93404 on the east, and with said block boundary line in a southwesterly direction to the point where said line becomes the boundary line between 1990 census blocks 317 and 341 of Sussex County MCD/CCD 93404; thence with said block boundary line in a generally southwesterly direction to the point where said boundary line intersects with the boundary line between 1990 census blocks 316 on the north and 343 on the south of Sussex County MCD/CCD 93404; thence with the boundary line between blocks 316 and 343 in a generally westerly direction to the point where the said boundary line intersects with the boundary line between 1990 census blocks 315 on the northwest and 343 on the southeast of Sussex County MCD/CCD 93404; thence with said block boundary line to the point where it intersects with the center line of County Road 543; thence with the center line of Road 543 in a southerly direction to the point where the waters of Herring Run pass under the center line of Road 543; thence in a west-northwesterly direction with the center line of Herring Run to the point where it intersects with the center line of County Road 30, also known as "Atlanta Road"; thence in a southerly direction with the center line of Atlanta Road to the point where Atlanta Road intersects with the boundary line marking the city limits of the City of Seaford; thence in a generally southwesterly direction along the Seaford boundary line to its point of intersection with the center line of Delaware Route 20; thence with the center line of Route 20 in a westerly direction to the point of beginning at the Delaware-Maryland State Line at the Village of Reliance.

Section 2. Severability. If any district described in this Act, or any provision of this Act, or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other districts, other provisions, or applications of the Act which can be given effect without the invalid district, provision or application, and to that end the descriptions and provisions of this Act are declared to be severable.

Approved November 4, 1991.

END

OF

VOLUME